

#### SCS HB 1414 -- AGRICULTURAL DATA DISCLOSURE

This bill specifies that certain information on an agricultural producer or owner of agricultural land in connection with a producer or owner's voluntary participation in a government program that is maintained by the departments of Agriculture or Natural Resources is not considered a public record and subject to public disclosure. The departments may disclose the information under certain circumstances. The participation of a producer or owner in any program administered by the departments may not be conditioned on the consent of the producer or owner to disclose this information.

Certain information relating to animals is not considered a public record and may not be subject to disclosure except under specific circumstances. Any person who knowingly releases such data may be subject to civil action, and a court may order appropriate relief including damages up to \$10,000 and reasonable attorney's fees.

#### HCS HB 1418 -- TRANSPORTATION DEVELOPMENT DISTRICTS

This bill requires the State Auditor's office to report any transportation development district (TDD) failing to submit its annual financial statement to the Department of Revenue (DOR). The DOR will notify the non-compliant district by certified mail it has 30 days from the postmarked date to submit the required statement to the State Auditor's office. If the statement is not received the district will be fined \$500 per day beginning on the 31st day from the postmarked date.

Any transportation development district with gross revenues of less than \$5,000 annually will not be subject to the fine.

Audits performed by the State Auditor's office shall be paid by the TDD and the cost shall not exceed 3% of gross revenues of the district. Any costs exceeding that shall be absorbed by the State Auditor's office.

This bill also clarifies that gross revenue of a TDD is measured by the fiscal year, not annually.

#### SS#2 SCS HCS HB 1432 -- ADMINISTRATIVE LEAVE

This bill requires that, if an employee of a department or division of the state, agency of the state, or school district is placed on administrative leave, a hearing must be held within 60 days. A hearing that is continued for good cause must not be continued past 180 days from the initial administrative leave date.

The hearing requirement does not apply when a law enforcement agency, or other state or federal agency, has been referred the misconduct of the employee or has initiated its own investigation of the misconduct of the employee, or if the employee is removed from administrative leave within 30 days of placement.

Within seven days of being placed on administrative leave as defined in the bill, an employee must be given a written explanation of the reason or reasons for the placement, which written document is not subject to the open records requirements under Chapter 610, RSMo.

#### SCS HCS HBs 1434 & 1600 -- TAX INCREMENT FINANCING

This bill changes the laws regarding tax increment financing. In its main provisions, the bill:

(1) Specifies that a recommendation of approval on a proposed redevelopment plan, project, designation, or amendment by a TIF commission in St. Charles, Jefferson, and St. Louis counties must only be deemed to occur if a majority of the commissioners voting vote for approval. A tied vote must be considered a recommendation in opposition;

(2) Changes the provisions regarding economic activity taxes. Currently, any municipality can approve a proposed redevelopment plan, project, designation, or amendment if it did not receive a recommendation from the majority of the members of its tax increment financing commission upon a two-thirds majority vote of its governing body. The bill limits that authority in any municipality in St. Louis County, St. Charles County, or Jefferson County to include only a redevelopment plan, project, designation, or amendment in which the economic activity taxes generated do not exceed the costs associated with the demolition of buildings and the clearing and grading of land;

(3) Adds transparency language for TIF commissions;

(4) Currently, county boards, upon voter approval, may levy a property tax for the purpose of establishing and maintaining county sheltered workshops, residences, facilities, and/or other related services. This bill prohibits the adoption of any tax increment financing from superseding, altering, or reducing the sheltered workshop levy; and

(5) Requires the governing body of a municipality to submit a report of each redevelopment plan and redevelopment project in existence on December 31 of the preceding year to the Department of Revenue by November 15 each year and requires the Commissioner of Administration to publish the data in the reports on the Missouri Accountability Portal. Any municipality that does not comply with such reporting requirements within 60 days from the certified mail notification from the department will be prohibited from adopting any new tax increment financing plan for five years.

#### SS HB 1435 - SALES TAX REFUND CLAIMS

This bill clarifies that the limitations on sales tax refund claims will not apply for a refund claim filed by a purchaser that originally paid the sales tax to a vendor or seller, the claim is for use tax remitted by the purchaser, or an additional refund claim is filed by a person legally obligated to remit the tax because of additional information, an

exemption certificate, a decision of a court, or changes to regulations or department policies.

#### HB 1443 -- LOCAL GOVERNMENT RETIREMENT

This bill allows a political subdivision that has a retirement plan similar to the Missouri Local Government Employees' Retirement System (LAGERS) to enter into an agreement with LAGERS to assume all duties and responsibilities of operating the political subdivision's prior plan if it is a current employer in LAGERS or will become a member employer in LAGERS.

The employer's prior plan will be a frozen plan administered by LAGERS.

#### SCS HCS HB 1474 -- ELECTIONS

The bill specifies that certain financial disclosure reports shall be filed in an electronic format and sets the Missouri Ethics Commission as the required body for filing reports under Section 130.026, RSMo, by removing local election authority filing as an option for certain reports. The bill specifies that committee and candidate reports are included in the electronic reporting system maintained by the commission under Section 130.057.

This bill also makes technical changes and repeals doubly enacted sections so that the current law will accurately reflect the Missouri Supreme Court's declaration that SB 844 (2010) was unconstitutional.

#### SS HCS HB 1477 -- POLITICAL PARTY COMMITTEES

This bill exempts candidates for city or county committees of political parties from the affidavit requirements under Section 115.306, RSMo, which relate to tax payments and bonding requirements. It also changes the name of the St. Louis County political party committee to a city committee.

The bill removes a reference to disabled persons being disqualified from holding office in a political party committee.

Criteria for the membership of congressional, senatorial, and judicial district committees that overlap more than one county or city committee district are specified in the bill. If these districts overlap exactly with a county or city committee, then membership on both committees is identical.

The bill will allow proxy voting if authorized by political party committees for district committees under Section 116.621, but otherwise

allows proxy voting only for legislative, senatorial, Congressional, and judicial district committee meetings.

All types of committees must elect a man and a woman as chair and vice-chair and must also elect a man and a woman to be secretary and treasurer. The man and woman chosen for the secretary and treasurer positions are not required to be members of the committee.

The bill includes precinct committee persons in the composition of legislative district committees; requires that the chair and vice-chair of Congressional, senatorial, and judicial district committees be registered to vote in that district unless no one is eligible to serve in which case a waiver can be granted; an individual must not represent more than one precinct, ward, or township on any Congressional, senatorial, or judicial district committee.

The bill specifies meeting dates for forming a committee; county committees will meet at the county courthouse which must be available free of charge and city committees must meet at city hall between the second week after a primary election and the third Saturday after a primary election to choose members; Congressional district committees meet after the fifth week after a primary election, but no later than the sixth Saturday after a primary election, legislative district committees will meet after the third week after a primary election, but no later than the fourth Saturday after a primary election, senatorial district committees meet between the fourth and fifth Saturday after a primary election, senate district members meet on the Saturday after a general election, and judicial district committees will meet no later than the seventh Saturday after a primary election, but not before six weeks after such primary election.

This bill contains an emergency clause.

#### HCS HB 1480 -- ABSENTEE BALLOT COUNTING

This bill modifies provisions regarding voting machines to reflect current technology and allow their use in counting absentee ballots and makes technical changes to the absentee ballot process in Section 115.291, RSMo, to specify what types of absentee ballots are being counted using procedures specified in that section. Some procedures apply when voting by mail and some to ballots sealed in envelopes.

The bill has an effective date of January 1, 2018.

#### HB 1530 -- UNEMPLOYMENT COMPENSATION BENEFITS

Currently, when an individual or employer repays the state for overpayment of unemployment compensation benefits, payments made toward the penalty amount due are credited to the Special Employment Security Fund. This bill requires 15% of the total amount of benefits fraudulently obtained to be deposited into the Unemployment Compensation

Fund and the remaining penalty amount must be credited to the Special Employment Security Fund.

#### SCS HB 1534 -- FEDERAL REIMBURSEMENT ALLOWANCES

This bill extends the sunsets from September 30, 2016 to September 30, 2017, for the Ground Ambulance, Nursing Facility, Medicaid Managed Care Organization, Hospital, Pharmacy, and Intermediate Care Facility for the Intellectually Disabled Reimbursement Allowance Taxes.

#### SS#2 SCS HCS HB 1550 -- CHILD CUSTODY ORDERS

##### PARENTING PLAN GUIDELINES (Section 452.310, RSMo)

The Supreme Court must have parenting plan guidelines for parties in a proceeding involving the custody and visitation of a child. The parenting plan guidelines must be available on the Office of State Courts Administrator's website.

##### CHILD SUPPORT (Section 452.340)

There is a rebuttable presumption that the award of child support in the correct amount is required if requested by the party. Currently, a finding that the application of the award guidelines would be unjust or inappropriate is required only if requested by a party. This bill specifies that such a finding is required and sufficient to rebut the presumption in the case.

##### CHILD CUSTODY ORDER (Section 452.375)

Currently, the court determines child custody that is in the best interests of the child. This bill requires the court to consider relevant factors and enter written findings of fact and conclusions of law when the parties have not reached an agreement.

This bill requires any child custody order to include a written statement that gives notification to the parties that if any provision of that custody order is violated, the injured party may file a family access motion in order to enforce the provision.

There shall not be a presumption, based on his or her sex, that one parent is more qualified than the other parent to act as custodian for the child.

The bill specifies that after August 28, 2016, every court order establishing or modifying custody or visitation must include specified language.

The bill allows the court to enter an interim order regarding child custody only when the parties have received a notice and a hearing, unless the parties otherwise agree.

#### VIOLETION OF CHILD CUSTODY ORDER (Section 452.400)

This bill requires the court to consider a party's violation in a proceeding to enforce or modify a permanent custody or visitation order or judgment for the purpose of determining that party's willingness to allow the child frequent and meaningful contact with the other party.

#### PARENTING PLAN HANDBOOK (Section 452.556)

The bill requires the Office of the State Court Administrator to modify the current handbook regarding parenting plans, as specified, and make the handbook available on-line and upon request by the party.

This bill also specifies how each party in a child custody case is provided a copy of the handbook.

#### HB 1559 -- LUCILE BLUFORD DAY

This bill designates July 1st of each year as "Lucile Bluford Day" in Missouri and encourages citizens to appropriately observe the day in honor of Lucile Bluford, a journalist and civil rights activist.

#### SS SCS HCS HB 1561 -- LOCAL SALES TAX

This bill changes laws regarding local sales tax.

#### ST. LOUIS COUNTY POOLED SALES TAX (Section 66.620, RSMo)

Currently, under Section 66.620 cities in St. Louis County are divided into two groups, Group A and Group B, for the purpose of distributing the county sales tax imposed under Sections 66.600 to 66.630 and the special municipal sales tax imposed by cities in St. Louis County under Section 94.850.

Beginning January 1, 2017, this bill changes the distribution formula so that municipalities in Group B must receive at least 50% of the amount of taxes generated within the municipalities based on the location where the sales were deemed consummated. Group A excludes St. Louis County while Group B includes St. Louis County.

The Director of the Department of Revenue will make adjustments for each municipality in Group B located wholly or partly within the taxing county that would receive a distribution that is less than 50% of the amount of taxes generated within the municipality based on the location in which the sales were deemed consummated if no adjustment were made and

calculate the difference between the amount that the distribution to each municipality would have been without any adjustment and the amount that equals 50% of the amount of taxes generated within the municipality based on the location in which the sales were deemed consummated. If the county and Group B cities receive more than 50% of the sales tax revenue they generate such that some of the revenue would be given to Group B cities that receive less than 50% of their generated sales tax revenue, in no event will the contributing city or county receive less than the amount they received in 2014.

When a municipality is partly in Group A and partly in Group B, the director must calculate 50% of the amount of taxes generated within the municipality based on the location in which the sales were deemed consummated by multiplying 50% by the amount of all county sales taxes collected by the director under Sections 66.600 to 66.630, less 1% for the cost of collection, that are generated within the municipality based on the location in which the sales were deemed consummated, regardless of whether the taxes are deemed consummated in Group A or Group B.

#### CEDAR COUNTY LIBRARY TAX (Section 182.802)

This bill authorizes Cedar County to impose a local sales tax, if approved by voters, for the purpose of funding public libraries.

#### HCS HB 1562 -- SEXUAL TRAFFICKING

This bill adds knowingly advertising a specified minor to participate in a commercial sex act, performance, or the production of explicit sexual material to the offenses of sexual trafficking of a child in the first degree, sexual trafficking of a child in the second degree, sexual trafficking of a child, and sexual trafficking of a child under the age of 12.

The bill adds the advertising element to the offense of trafficking for the purpose of sexual exploitation.

This bill specifies that any visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of an offense under Chapter 566, RSMo, created by or in the possession of a Child Assessment Center, health care provider, or multidisciplinary investigation team member cannot be disclosed unless required by Supreme Court Rule 25.03 or a court orders the disclosure upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim.

A person who is a party or has a legitimate interest in a court proceeding involving a victim of an offense under Chapter 566 who was a minor at the time such offense occurred may view any visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of an offense under Chapter 566 created by or in the possession of a Child Assessment Center or hospital, but no such person is permitted to obtain copies of the information without a court order or as required by Supreme Court Rule 25.03.

The bill specifies the persons or entities, including members of the multidisciplinary investigation team, authorized to share the visual or aural recordings of the child's statements or photographs.

The bill specifies what must be contained in a court order when the court orders the copying of such visual or aural recordings or photographs.

A defendant, the defendant's attorney, or an investigator, expert, consulting legal counsel, or other agent of the defendant's attorney cannot disclose to a third party any visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of an offense under Chapter 566 created by or in the possession of a child assessment center, health care provider, or multidisciplinary team member unless a court orders the disclosure upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim. The defendant's attorney or an investigator, expert, consulting legal counsel, or agent for the defendant's attorney may allow a defendant, witness, or prospective witness to view the information provided under this section but must not allow such person to have copies of the information provided.

The bill specifies that any visual or aural recordings that could be used to identify or locate any victim of an offense under Chapter 566 or a victim of domestic assault or stalking must be closed and redacted from the record prior to disclosure to the public, including an unobstructed visual image of the victim's face or body.

Any court records identifying any person who was a victim of a crime under Chapter 566 and a minor at the time the offense was committed must be closed for inspection, and the contents must not be disclosed except by order of the court to persons having a legitimate interest therein.

The bill specifies that a violation of these provisions is a class C misdemeanor.

Currently, the Secretary of State administers a program to protect victims of domestic violence, rape, sexual assault, or stalking by assigning substitute addresses to such victims. State and local government agencies must accept the substitute address when creating public records relating to a participant in the program.

This bill allows victims of human trafficking to participate in the program.

This bill adds the act of knowingly accessing, or attempting to access, the address of a participant of the address confidentiality program administered by the Secretary of State to the elements of aggravated stalking.

Beginning in 2017, as a result of SB 491 (2014), aggravated stalking will be known as stalking in the first degree. This bill also adds the act of knowingly accessing, or attempting to access, the address of a participant of the address confidentiality program to the elements of first degree stalking.



#### HB 1565 -- PUBLIC ASSISTANCE

This bill increases the asset limits for MO HealthNet permanent and totally disabled claimants, MO HealthNet blind claimants, and MO HealthNet aged claimants starting in fiscal year 2018, from no greater than \$1,000 for individuals to \$2,000 and from no greater than \$2,000 for married couples to \$4,000. For each fiscal year after 2018 through 2021, those asset limits will be increased \$1,000 and \$2,000 respectively so that by fiscal year 2021 the limit for individuals will be \$5,000 and for married couples \$10,000. Beginning in fiscal year 2022, these limits must be modified to reflect any cost-of-living adjustments. The bill excludes from asset limit calculations medical savings accounts and independent living accounts as defined in the Ticket to Work Health Assurance Program.

#### HB 1568 -- NALOXONE PRESCRIPTIONS

This bill allows any licensed pharmacist to sell and dispense naloxone under physician protocol and creates immunity from criminal prosecution, disciplinary actions from a professional licensing board, and civil liability for an individual who, acting in good faith and with reasonable care, administers an opioid antagonist to an individual whom he or she believes is suffering an opioid-related drug overdose.

Any individual or organization may store and dispense an opioid antagonist without being subject to the licensing and permitting requirements in Chapter 338, RSMo, if he or she does not collect a fee or compensation for dispensing the opioid antagonist when the person or organization is acting under a standing order issued by a health care professional who is authorized to prescribe an opioid antagonist.

#### SCS HB 1577 -- CAPITOL SECURITY INFRASTRUCTURE

This bill adds the building located at 105 West Capitol Avenue in Jefferson City to the property over which the Board of Public Buildings has general supervision.

This bill further establishes the Joint Committee on Capitol Security, which shall consist of the President Pro Tem of the Senate, and the Speaker of the House of Representatives, or their designated representatives. The President Pro Tem of the Senate shall appoint two Senators, one from each party, and the Speaker of the House of Representatives shall appoint two representatives, one from each party. The responsibilities of the joint committee are specified in the bill. The members of the committee shall serve without compensation but shall

be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

#### SCS HB 1582 -- WITHHOLDING TAX RETURNS

##### WITHHOLDING TAX FILING REQUIREMENTS (Section 143.221, RSMo)

Currently, an employer is allowed to file an annual withholding tax return instead of four quarterly returns when the aggregate amount withheld is less than \$20 in each of the four preceding quarters. The bill changes the amount to less than \$100 in each of the four preceding quarters if the employer is not otherwise required to file a withholding return on a quarterly or monthly basis.

##### ELECTRONIC FILING OF FORM W-2 (Section 143.591)

Beginning January 1, 2018, employers with 250 or more employees must file their Form W-2s electronically to the state unless granted a waiver for the federal requirement to file electronically by the Internal Revenue Service.

#### SCS HCS HB 1583 -- BULLYING IN SCHOOLS

This bill modifies provisions relating to student safety.

##### SCHOOL DISTRICT ANTI-BULLYING POLICIES (Section 160.775, RSMo)

This bill modifies the requirements for school anti-bullying policies. The definition of "bullying" is modified to include intimidation, unwanted aggressive behavior, or harassment that substantially interferes with the educational performance, opportunities, or benefits of any student without exception, or that substantially disrupts the orderly operation of the school and that is repetitive and substantially likely to be repeated.

Bullying by students is prohibited on school property, at school functions, or on school buses. This bill defines cyber-bullying and requires that anti-bullying policies treat all students equally. Each school district's anti-bullying policy must be included in the student handbook, as specified in the bill. Any school district may subject a student to discipline for cyber-bullying.

Each district must review its anti-bullying policy and revise as necessary.

##### YOUTH SUICIDE AWARENESS AND PREVENTION (Section 170.047)

This bill allows, beginning in the 2017-18 school year, any licensed educator to annually complete up to two hours of training or professional development in youth suicide awareness and prevention as part of the professional development hours required for State Board of Education certification.

The bill requires the Department of Elementary and Secondary Education (DESE) to develop guidelines suitable for this training.

By July 1, 2018, each district must adopt a policy, which must address strategies that can help identify students who are at possible risk of suicide.

#### MODEL POLICY (Section 170.048)

By July 1, 2017, DESE must develop a model policy that districts may adopt.

By July 1, 2021, and at least every three years after, DESE must request information and seek feedback from districts on their experience with the policy for youth suicide awareness and prevention and review this information.

#### HB 1593 -- COUNTY COLLECTOR PAYMENTS DUE

This bill provides that the 10% per month penalty for which a collector or collector-treasurer is liable upon failure to make a payment due on settlement does not apply to collections related to taxes paid under protest or as part of a disputed settlement.

#### SCS HCS HB 1599 -- ADOPTEE RIGHTS ACT

This bill specifies that an adopted individual or his or her attorney may apply for an original copy of his or her birth certificate. The applicant must be at least 18 years of age; was born in this state; and provide appropriate proof of identification to the state registrar.

The state registrar may impose a waiting period and fee that are identical to the fees and waiting period for a non-adopted birth certificate request. The uncertified copy of the original birth must have the following statement printed on it: "For genealogical purposes only - not to be used for establishing identity".

The bill creates a contact preference form and medical history form to be completed by a birth parent and attached to the original birth certificate of the adopted person. The form shall be made available by the court and the clerk of the court must send the form and certificate of decree of adoption to the state registrar. The bill delineates processes to be followed for each form, when an adopted person is able to obtain a copy of a redacted original birth certificate, and when an adopted person is able to obtain an unaltered original birth certificate. The bill requires a public notification period that such forms exist, and prohibits the provision of original birth certificates under the provisions of the bill before May 1, 2017, unless the adopted person was born before 1941.

## SS#2 SCS HB 1631 -- VOTER IDENTIFICATION

This bill changes the laws regarding elections by requiring persons wishing to vote in a public election to present specified personal identification to establish their identity and eligibility to vote. Satisfactory forms of identification include a nonexpired Missouri driver's license, nonexpired or nonexpiring Missouri nondriver's license, a document issued by the United States or the State of Missouri containing the name of the individual that shows a photograph of the individual, or any armed services identification containing a photograph that is not expired or does not have an expiration date.

Any persons without such photographic identification may vote a regular ballot upon executing a statement under penalty of perjury that they are qualified to vote and presenting specified forms of identification including school identifications, utility bills, bank statements, paychecks, and government documents. The Secretary of State may approve non-photographic means of identification by rule. Persons signing a statement shall be required to have their photograph retained by election authorities for future identification purposes. Provisional ballots will be used only for those who refuse to sign a statement of eligibility and will require returning to the polling place with photographic identification and signature matching in order to vote.

The state will provide one free nondriver's license for purposes of voting and will pay the cost of specified documents, including birth certificates, marriage licenses, divorce decrees, adoption certificates, name change court documents, social security cards, and naturalization documents, that are necessary to receive a nondriver's license in order to vote. All election authority costs associated with the implementation of the photo identification requirements of these provisions must be reimbursed from the General Revenue Fund by an appropriation for that purpose. If there is no appropriation, then the identification requirements of the bill are void and must not be enforced.

These provisions will become effective only upon the passage and approval by the voters of a constitutional amendment regarding the authorization of photo identification requirements by general law.

The effective date of the bill will be June 1, 2017 if the constitutional amendment is passed prior to that date.

## SCS HCS HBs 1646, 2132 & 1621 -- CIVICS EDUCATION

The bill adds American Civics to the current existing prohibition on students receiving a certificate of graduation without having satisfactorily passed an examination on the provisions and principles of the United States and Missouri constitutions, American history, and American institutions.

This bill creates the Missouri Civics Education Initiative. Any student entering ninth grade after July 1, 2017, who is attending a public,

charter, or private school, except for private trade schools, must, as a condition of high school graduation take and pass an American civics test similar to the civics portion of the United States Naturalization test, produced by the United States Citizenship and Immigration Services (USCIS).

The bill allows the school district to administer the test on American civics in conjunction with testing on the provisions and principles of the United States and Missouri constitutions, American history, and American institutions. The school district may use an on-line test to comply with these provisions.

Each district must adopt a policy permitting a student with a disability to receive a waiver from this requirement, if recommended by the student's Individualized Education Plan (IEP) committee.

This bill also allows a school district to recognize a student's participation in the Constitution Project of the Missouri Supreme Court, as specified in the bill.

#### SCS HCS HB 1649 -- IMMUNITY FROM CIVIL LIABILITY

This bill specifies that any individual who forcibly enters a motor vehicle for the purpose of removing a minor from the vehicle is immune from civil liability if specified conditions are met. This provision does not affect the person's civil liability if the person attempts to render aid to the minor.

This bill contains an emergency clause.

#### HB 1681 -- REGULATION OF PROPRIETARY SCHOOLS

This bill exempts yoga courses, programs, or schools from provisions regulating proprietary schools.

#### SCS HB 1682 -- MEDICAL PRACTICE FREEDOM ACT

This bill specifies that state licensure requirements for physicians, chiropractors, optometrists, and dentists must be granted based on demonstrated skill and academic competence and not conditioned upon participation in a health insurance plan, public health care system, public service initiative, or emergency room coverage. Licensure for physicians or optometrists shall be prohibited from being conditioned upon compliance with 45 CFR 170, relating to the meaningful use of electronic health records.

#### HCS HB 1684 -- MUNICIPAL CONSOLIDATION (Fitzwater (49))

This bill authorizes certain municipalities in counties of the first and second classification that are not adjoining or contiguous to each other to consolidate under the procedures established for municipalities that are adjoining and contiguous. The bill also authorizes municipalities in counties of the third classification that are separated by a distance of not more than one and one-half miles to consolidate.

#### SCS HCS HB 1696 -- DEAF AND HARD OF HEARING COMMISSION

This bill specifies the Missouri Commission for the Deaf and Hard of Hearing must provide grants to organizations that provide services for deaf-blind children and their families, deaf-blind adults, and provide training for support service providers.

The commission must use a request-for-proposal process to award grants. Organizations that receive a grant may use it for any purpose authorized. The total amount of grants provided under the provisions of the bill must be capped at \$300,000 annually.

#### SCS HB 1698 -- MEET IN MISSOURI ACT

This bill establishes the "Meet in Missouri Act." Eligible local convention commissions may submit major convention plans to the Director of the Department of Economic Development. If the plans are approved by the director, then a grant shall be paid from the newly created "Major Economic Convention Event in Missouri Fund" to the commission. The commission shall hold such funds until the major convention event has occurred and a required report has been submitted to the department.

A major convention plan shall be approved by the director until certain conditions, as described in the bill, are met. These conditions require that the convention event will occur within five years from the application, that the commission is competing for the event against non-Missouri cities, and the economic benefit to the state exceeds the amount of the grant. The amount of any grant shall not exceed 50% of the cost of hosting the event or \$1 million, whichever is less.

At the conclusion of the event, the commission shall issue a report to the director detailing the final amount of convention costs incurred and actual attendance figures. If the final amount of convention costs is less than the amount of the grant, then the bill sets forth the amounts that the commission must refund from the grant amount. If the actual attendance is lower than 85% of the projected attendance, the commission will be required to refund a portion of the grant. If the actual attendance is lower than 25% of the projected attendance, the commission will be required to refund the entire grant. A commission will not be required to refund a portion of the grant if low attendance is caused by a man-made disaster or by a substantial inclement weather event. Any refunded amounts shall be returned to the fund and used for future grants. The provisions of this bill shall sunset six years after the effective date.

SCS HCS HB 1713 -- WATER SYSTEMS

This bill authorizes any political subdivision to use a design-build contractor for waste water and water treatment projects. The Department of Economic Development is required to consider design-build waste water or water treatment projects when disbursing grants under the Community Development Block Grant program.

The Department of Natural Resources is prohibited from precluding design-build contracts from being considered for funding from the Water and Wastewater Loan Fund.

The bill modifies the term "water resource project" to mean a project containing planning, design, construction, or renovation of public water supply, flood control storage, or treatment or transmission facilities for public water supply. The bill changes the name of the "Multipurpose Water Resource Program Renewable Water Program Fund" to the "Multipurpose Water Resource Program Fund." The Department of Natural Resources is required to establish rules by which water resource project sponsors can remit contributions to the fund. Any plan submitted to the Director of the Department of Natural Resources for the construction of a water resource project must include a schedule, proposed by the sponsor, to remit contributions back to the fund. The contributions are to be used to administer the fund and to provide financial assistance under the Multipurpose Water Resource Program.

The bill requires public water systems under Chapter 640, RSMo, and water supply districts under Chapter 247 to notify the Department of Health and Senior Services, Department of Natural Resources, and its customers, at least 90 days prior to any meeting held at which a vote to modify the fluoridation of water in the system or district will occur. If the water system is an investor-owned water supply, the entity calling for the modifications is responsible for the meeting and the notice requirements.

The bill also makes changes to the member requirements of the Clean Water Commission.

The Department of Natural Resources must provide any municipality or community currently served by a wastewater treatment system with information regarding options to upgrade the existing lagoon system to meet discharge requirements. The information must include available advanced technologies including biological treatment options. The municipality or community, or a third party it hires, may conduct an analysis, including feasibility and cost, of available options to meet the discharge requirements. If upgrading or expanding the existing system is feasible, cost effective and will meet the discharge requirements, the department must allow the entity to implement the option.

This bill contains an emergency clause.

## SS#2 HCS HB 1717 -- WATER SYSTEMS

The bill modifies the term "water resource project" to mean a project containing planning, design, construction, or renovation of public water supply, flood control storage, or treatment or transmission facilities for public water supply. The bill changes the name of the "Multipurpose Water Resource Program Renewable Water Program Fund" to the "Multipurpose Water Resource Program Fund." The Department of Natural Resources is required to establish rules by which water resource project sponsors can remit contributions to the fund. Any plan submitted to the Director of the Department of Natural Resources for the construction of a water resource project must include a schedule, proposed by the sponsor, to remit contributions back to the fund. The contributions are to be used to administer the fund and to provide financial assistance under the Multipurpose Water Resource Program.

The bill requires public water systems under Chapter 640, RSMo, and water supply districts under Chapter 247 to notify the Department of Health and Senior Services, Department of Natural Resources, and its customers, at least 90 days prior to any meeting held at which a vote to modify the fluoridation of water in the system or district will occur. If the water system is an investor-owned water supply, the entity calling for the modifications is responsible for the meeting and the notice requirements.

The Department of Natural Resources must provide any municipality or community currently served by a wastewater treatment system with information regarding options to upgrade the existing lagoon system to meet discharge requirements. The information must include available advanced technologies including biological treatment options. The municipality or community, or a third party it hires, may conduct an analysis, including feasibility and cost, of available options to meet the discharge requirements. If upgrading or expanding the existing system is feasible, cost effective and will meet the discharge requirements, the department must allow the entity to implement the option.

This bill contains an emergency clause.

## HB 1721 -- CREDIT UNION SUPERVISORY COMMITTEES

This bill modifies auditing standards of credit unions so that the standards are consistent with federal credit union standards.

## SS HB 1733 -- THE REGULATION OF VEHICLES

### TRACTOR TRAILER AND SEMITRAILER (Section 301.067, RSMo)

Currently, tractors are operated under the supervision of the Motor Carrier and Railroad Safety Division within the Department of Economic Development. This bill changes supervision to the Highways and Transportation Commission within the Department of Transportation. This



bill also removes an outdated provision regarding operating a semitrailer.

#### SCHOOL BUS DRIVER ENDORSEMENTS (Section 302.276)

Currently, school bus driver endorsements shall not be issued or renewed for applicants whose driving record shows that such applicant's privilege to operate a motor vehicle has been suspended, revoked or disqualified or whose driving record shows a history of moving vehicle violations, to the best of the Director of the Department of Revenue's knowledge. The bill requires that any school bus driver endorsement holder have such endorsement immediately revoked upon a second suspension or revocation of his or her license or driving privilege and shall remain ineligible for any future school bus endorsement.

#### AUTOCYCLES (Section 304.005)

This bill defines an autocycle as a three wheeled motor vehicle on which drivers and passengers ride in a completely enclosed, tandem seating area that is controlled with a steering wheel and pedals and contains additional safety and equipment requirements. Autocycle operators are exempted from the motorcycle helmet requirement with specific safety equipment requirements. This bill also requires autocycle operators to have a driver's license without requiring a motorcycle or motortricycle license or endorsement.

#### EMERGENCY VEHICLES (Section 304.022)

This bill revises the definition of an "emergency vehicle" as it relates to traffic regulations to include any vehicle owned and operated by the Civil Support Team of the Missouri National Guard while in the response to or during operations involving specified materials, in support of official requests from the state involving unknown or hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the Governor.

#### CONNECTED VEHICLE TECHNOLOGY (Section 304.044)

The bill exempts connected vehicle technology testing programs from the requirements that a driver of a truck or bus not follow another such vehicle within 300 feet, and that a driver of a vehicle not follow another vehicle more closely than is reasonably safe and prudent. A connected vehicle technology testing program is limited to trucks on Missouri public highways using networked wireless communication devices, and the operation of multiple or single pairs of no more than two vehicles in a single convoy or formation. These provisions are subject to a sunset provision.

#### BUS LENGTH (Section 304.170)

Currently, no bus may exceed 45 feet in length except with safety bumpers. This bill allows articulated buses, or buses having two or more sections connected by a joint, to be up to 60 feet in length not including safety bumpers which may extend one foot in both the front and rear.

#### WORK ZONE VEHICLES (Section 307.175)

The bill permits motor vehicles and equipment owned by the state Highways and Transportation Commission or a contractor or subcontractor performing work for the Department of Transportation to use or display fixed, flashing, or rotating red or blue lights which shall only be used when such vehicle is stationary in a work zone when highway workers are present.

#### LEAVING THE SCENE OF AN ACCIDENT (Section 577.060)

The bill specifies that the offense of leaving the scene of an accident is a class D felony in 2016, and a class C felony in 2017, if a death has occurred as a result of the accident.

#### HB 1763 -- WORKERS' COMPENSATION DEDUCTIBLE

The bill requires all workers' compensation large deductible covered claims of an insolvent insurer to be turned over to the responsible guaranty association, unless otherwise stipulated. In the event an insured pays a deductible claim, no receiver or guaranty association will be obligated to pay or reimburse the insured for such claim.

Guaranty associations are entitled to reimbursement from the insured for payment of deductible claims when the insurer would have been entitled to such reimbursement. The receiver is obligated to collect any reimbursements owed promptly. Insolvency of the insurer or its inability to perform its obligations under the policy shall not be a defense to the insured's failure to reimburse. Only in the case of gross negligence or an allegation of improper handling or payment of a deductible claim by the insurer shall insolvency of the receiver or guaranty association be a defense to the insured's failure to reimburse such entity.

Receivers are required to utilize available collateral to secure the insured's obligations to fund or reimburse deductible claims or other secured obligations as specified in the bill.

The bill has an emergency clause.

#### SS HCS HB 1765 -- JUDICIAL PROCEEDINGS

This bill changes the laws regarding the administration of justice.

MISSOURI UNIFORM POWERS OF APPOINTMENT ACT (Sections 404.710, 456.970, 456.975, 456.980, 456.985, 456.990, 456.995, 456.1000, 456.1005, 456.1010, 456.1015, 456.1020, 456.1025, 456.1030, 456.1035, 456.1040, 456.1045, 456.1050, 456.1055, 456.1060, 456.1065, 456.1070, 456.1075, 456.1080, 456.1085, 456.1090, 456.1095, 456.1100, 456.1105, 456.1110, 456.1115, 456.1120, 456.1125, 456.1130, 456.1135, and 456.5-508)

This bill creates the Missouri Uniform Powers of Appointment Act, and unless provided in the terms of an instrument creating a power of appointment the bill must be the law governing powers of appointment.

A power of appointment is a power enabling a person, known as the powerholder, to designate a recipient of an ownership interest in property subject to the power of appointment, known as appointive property. A power of appointment is created when a document or instrument, such as a trust or a will, manifests the donor's intent to create in a powerholder a power of appointment over the appointive property exercisable in favor of a permissible appointee. A donor is defined in the bill as a person who creates the power of appointment, and a permissible appointee is a person in whose favor a powerholder may exercise a power of appointment. A power of appointment cannot be created in an individual who is deceased, but may be created in an unborn or an unascertained powerholder.

A powerholder cannot transfer a power of appointment, and the power to direct the assets lapses upon his or her death. However, a general power of appointment may provide that the power must survive and pass to the powerholder's personal representative, if the powerholder dies after receiving the general power, and the powerholder did exercise, release, or disclaim the power within the applicable time limits. If this happens then the personal representative may either exercise the power in favor of the powerholder's estate if the estate is a permissible appointee, or disclaim the power. The bill sets forth circumstances under which a personal representative may or may not be individually held liable for actions or inactions regarding the power of appointment.

The general rule of construction is that a power of appointment is presently exercisable, exclusionary, and general unless the terms of the instrument specify otherwise.

A donor may only revoke or amend a power of appointment if the instrument creating the power is revocable or the donor reserves a power of revocation or amendment in the instrument.

A residuary clause in a powerholder's will or a comparable clause in the powerholder's revocable trust does not manifest an intent to exercise a power of appointment, unless the power is a general power exercisable in favor of the powerholder's estate, there is no gift-in-default clause, and the powerholder did not release the power.

Unless the terms of the instrument indicate otherwise, a blanket-exercise clause extends to a power of appointment acquired after the powerholder executed the instrument containing the blanket-exercise clause. If the powerholder is also the donor of the power then the blanket-exercise clause only extends to the power if there is not a gift-in-default clause or the gift-in-default clause is ineffective.

A powerholder of a general power of appointment that permits appointment to the powerholder or the powerholder's estate may make any appointment. However, a powerholder of a general power of appointment that permits appointment only to the creditors of the powerholder or the powerholder's

estate may appoint only to those creditors. The powerholder of a nongeneral power may make an appointment in any form in favor of a permissible appointee, create a general power in a permissible appointee, or create a nongeneral power in any person to appoint to permissible appointees of the original nongeneral power.

The bill prohibits an appointment to a deceased appointee, but a powerholder of a nongeneral power may exercise the power in favor of the descendant of a deceased permissible appointee.

If a powerholder of a general power of appointment makes an ineffective appointment then either the gift-in-default clause controls the disposition of the appointed property or if there is no such clause then the property passes to the powerholder if he or she is a permissible appointee. If the powerholder is not a permissible appointee then the property passes to the powerholder's estate if the estate is a permissible appointee. If neither option is available then the property passes under a reversionary interest to the donor.

Likewise, if the powerholder releases or fails to exercise a general power of appointment then the gift-in-default clause controls the disposition of the unappointed property or if one does not exist then such property must pass to the powerholder, the powerholder's estate, or under a reversionary interest to the donor.

When a powerholder makes an appointment to a taker in default of appointment who would have taken the property under a gift-in-default clause if the appointment had not occurred, then the power of appointment is deemed not to have been exercised, and the taker in default takes under the clause.

A powerholder may revoke or amend an exercise of a power of appointment at any time before the exercise becomes effective to transfer property to the appointee. A powerholder may also disclaim all or part of a power of appointment or release a power of appointment in whole or in part. A permissible appointee, appointee, or taker in default of appointment may disclaim all or part of an interest in appointive property.

A powerholder of a presently exercisable power may contract to make or not to make an appointment if the contract does not confer a benefit on an impermissible appointee. If the power of appointment is not presently exercisable then the powerholder may contract to exercise or not to exercise the power only if the powerholder is also the donor and has reserved the power in a revocable trust. The remedy for a powerholder's breach of contract to appoint or not to appoint property is damages payable from the appointive property or specific performance of the contract.

If a donor fraudulently transfers appointive property, retaining a power of appointment, then the appointive property may be subject to a claim of the donor/powerholder's creditor under the Uniform Fraudulent Transfer Act. Such appointive property is not subject to a claim of a creditor of the powerholder to the extent the powerholder irrevocably appointed the property in favor of a person other than the powerholder, and if the

power is not presently exercisable. Appointive property subject to a general power of appointment created by the powerholder is subject to a claim of a creditor to the same extent as if the powerholder owned the appointive property and the power is presently exercisable.

Appointive property subject to a presently exercisable general power of appointment not created by the powerholder is subject to a claim of a creditor of the powerholder to the extent the powerholder's property is insufficient. However, if the appointive property is subject to testamentary or not presently exercisable general power of appointment then the property is not subject to a claim of a creditor of the powerholder.

In situations where the appointive property is subject to a nongeneral power of appointment then the property is exempt from a claim of a creditor of the powerholder, unless there is a fraudulent transfer.

The bill provides that the provisions regarding rights of creditors does not limit the ability of a creditor to reach a beneficial interest as provided in the Missouri Uniform Trust Code.

The bill applies to a power of appointment created before, on, or after the bill's effective date. The bill must apply to judicial proceedings concerning a power of appointment commenced before the effective date of the bill unless the court finds the application of a particular provision would interfere substantially with the conduct of the proceeding or prejudice a right of a party.

The bill also modifies existing law regarding power of attorney by specifying that the authority of an attorney in fact authorized in the power of attorney to disclaim a gift or devise of property to or for the benefit of the principal includes the ability of the attorney in fact to disclaim or release any power of appointment granted to the principal and to disclaim all or part of the principal's interest in appointive property. A power of attorney can also grant an attorney in fact the authority to exercise, revoke or amend the release of, or contract to exercise any power of appointment granted to the principal.

The bill repeals provisions which provide that a creditor may not attach trust property or beneficial interests subject to the power of appointment, obtain a court order forcing judicial sale, compel the exercise of the power, or reach the trust property by any other means.

#### FIREARMS (Section 513.430)

Exempts firearms, firearm accessories, and ammunition up to \$1,500 from attachment and execution.

#### ESTATE PLANNING (Sections 404.717, 456.3-304, 456.4B-411, 456.7-706, 469.467, and 473.050)

Currently, if an attorney in fact or his or her successor, appointed to act as agent pursuant to a written power of attorney, acts in bad faith, fraudulently or dishonestly then the attorney in fact must be liable to

the principal or the principal's successors in interest for damages as well as attorney's fees. This bill provides that the attorney in fact must be liable if he or she engages in willful misconduct or fraud or acts with willful disregard for the purposes, terms, or conditions of the power of attorney. For the purposes of the bill "successors in interest" include those who can prove that they have been damaged as a result of the attorney in fact's actions. The bill provides that when a noncharitable irrevocable trust is modified or terminated without a court order pursuant to current law, a beneficiary, who is not a qualified beneficiary, may be represented in such non judicial proceedings by a qualified beneficiary who has substantially identical interests.

Under current law, a court may modify or terminate a noncharitable irrevocable trust which became irrevocable on or after January 1, 2005, upon finding that the interests of nonconsenting beneficiaries will be protected, and terminating or modifying the trust does not affect the material purpose of the trust. This bill provides that a court may modify or terminate all noncharitable irrevocable trusts, which meet such conditions.

The bill also repeals a provision of law regarding the termination and modification of a trust instrument that became irrevocable prior to January 1, 2005.

Currently, a settlor, cotrustee, or a qualified beneficiary may request the court to remove a trustee or the trustee may be removed by the court's own initiative. This bill specifies that a court may also replace the trustee. When a corporation is the trustee being removed the successor trustee must be selected by the court.

The bill provides that the Principal and Income Act applies to every trust or decedent's estate existing on or after August 28, 2001, rather than solely to those trusts or decedents' estates existing on August 28, 2001.

Currently, for a letter of administration to be issued an application must be made to the court within one year of the death of the decedent. This bill provides that this time limit rule applies on the issuance of letters of administration except as provided under current law that when a will is presented to the probate court within the proper time limits, then administration may be granted on the will at any time after presentation.

#### GUARDIANSHIPS (Section 475.125)

This bill adds respite to the list of purposes that the court may make an order for the management of the estate of a protectee.

MISSOURI COMMERCIAL RECEIVERSHIP ACT (Sections 515.500, 515.505, 515.510, 515.515, 515.520, 515.525, 515.530, 515.535, 515.540, 515.540, 515.545, 515.550, 515.555, 515.560, 515.565, 515.570, 515.575, 515.580, 515.585, 515.590, 515.595, 515.600, 515.600, 515.605, 515.610, 515.615, 515.620, 515.625, 515.630, 515.635, 515.640, 515.645, 515.650, 515.655, 515.660, and 515.665)

The bill grants the court authority to appoint a receiver whenever the court deems necessary. A receiver has the duty to keep and preserve any money deposited with the court, and any property and business or business interests entrusted to the receiver pending any legal or equitable action concerning such money, property, or business interest. The appointment of a receiver may be sought as an independent claim and remedy, and does not need to be in addition to another legal claim. A debtor and all parties to the action must receive seven days' notice of any application for the appointment of a receiver. Notice must also be given to all other parties in interest.

Where a receiver has been appointed in a foreign jurisdiction with respect to the debtor's property and upon the application by the receiver appointed in the foreign jurisdiction or any party to that foreign action, the court must appoint as receiver of the debtor's property located in this state the same person. Following the appointment, the court must give effect to orders or judgments of the court in the foreign jurisdiction affecting the property in this state unless to do so would be manifestly unjust or inequitable.

The order appointing a receiver must describe the property by category, individual items, or both if the receiver is to take charge of less than substantially all of the debtor's property. The receiver will be deemed a general receiver with authority to take charge over all of the debtor's property unless expressly stated otherwise in the order.

According to the bill, a receiver is either a general receiver or a limited receiver depending on how much possession and control over the debtor's property the court grants the receiver.

Within 10 business days of the appointment of a receiver or the conversion of a limited receiver to a general receiver, the receiver must give notice of the appointment or conversion to all interested parties including the Secretary of State or the state and federal taxing authorities. The bill specifies the content of such notice and states that the notice must be sent by first class mail. Additionally, a general receiver must publish notice of the receivership in a newspaper of general circulation in the county in which estate property is located once a week for three weeks. A debtor must cooperate with all reasonable requests for information by the receiver in order to assist in satisfying the notice requirements.

Any person may serve as a receiver unless the person has been found guilty of a felony, is party to the action, is related to the debtor or is a partner, director, attorney, employee, or creditor of the debtor, has an interest materially adverse to the interests of persons affected by the receivership, or is a sheriff of any county. A receiver must execute a bond with one or more sureties approved by the court and in an amount specified by the court.

As of the time of appointment, a receiver has the same powers and priority as a creditor that obtained a judicial lien on all of the

debtor's property that is subject to the receivership, but must satisfy real property recording requirements as established in the bill.

The court has exclusive authority over the receiver, and exclusive possession and control of all real property and all tangible and intangible personal property in which the receiver has been appointed to keep and preserve. The court also has exclusive authority to determine all controversies relating to the collection, preservation, application and distribution of all property, and all claims against the receiver arising out of the exercise of the receiver's performance of duties.

The bill specifies the powers and authority of a receiver which include paying expenses incidental to the preservation and use of estate property, performing all duties associated with operating a business in the ordinary course of operation, intervening in any action in which a claim is asserted against the debtor, seeking advice from the court about a course of action, and obtaining appraisals of estate property. Additional powers may be granted to the receiver by statute, court rule, or by the court.

A receiver may demand that a person turn over any estate property that is within the possession or control of that person. A receiver may seek to compel turnover of estate property, and unless a bona fide dispute over the receiver's right to possession of the estate property exists, failure to relinquish possession of the property is punishable as contempt.

A debtor must make available for inspection by a general receiver all information and data as established by the bill, and must cooperate fully with the receiver in the administration of the estate and discharge of the receiver's duties. After the appointment of a general receiver, the debtor must file with the court and submit to the receiver certain information including a list of all known creditors and a true list of all estate property.

A general receiver must file with the court a monthly report of the receiver's operations and financial affairs, and a limited receiver must file all reports as the court requires.

The order of appointing a general receiver must operate as a stay of certain actions as specified in the bill, but must not operate as a stay of criminal proceedings against the debtor; actions establishing paternity, or actions modifying or enforcing alimony, maintenance or support orders; any act to perfect or to maintain the perfection of an interest in estate property; an action by a governmental unit to enforce its police or regulatory power; the enforcement of a judgment obtained in an action by a governmental unit to enforce its police or regulatory power; the exercise of a right of setoff; or any action pending in another court.

A public utility providing service to estate property must provide 15 days notice, or notice as required by the Public Service Commission for a customer of that class, before altering or discontinuing service to the estate property. Additionally, the court may prohibit the alteration or cessation of utility service if the receiver can furnish adequate



assurance of payment for service. Any public utility regulated by the Public Service Commission which does not provide notice or comply with the court's order is subject to the appropriate remedial measures by the Commission. A receiver may bring an action to enforce compliance with these provisions against any utility not regulated by the Public Service Commission which does not provide notice or comply with the court's order.

A receiver may assume or reject any executory contract or unexpired lease of the debtor upon order of the court following notice and a hearing. Any obligation or liability incurred by a general receiver on account of the receiver's assumption of the executory contract or unexpired lease must be treated as an expense of the receivership, and rejection of a contract or lease is to be treated as a breach of contract or lease occurring immediately prior to the receiver's appointment.

If a receiver is authorized to operate the debtor's business or manage the debtor's property, the receiver may obtain unsecured credit and incur unsecured debt in the ordinary course of business as an administrative expense. The receiver may obtain credit or incur debt other than in the ordinary course of business with the authorization of the court and following notice and a hearing.

The bill grants a receiver the right to sue and be sued without leave of court in all circumstances necessary for the receivership. A judgment against a general receiver or the debtor is not a lien on estate property and no executions can be issued on such property.

A receiver and the agents, attorneys, and employees of the receivership have judicial immunity for acts and omissions committed in connection with official duties on behalf of the court and within the scope of the appointment. A person may bring an action against a receiver or the agents, attorneys, and employees of the receivership only after filing an application with the court and the court granting such application after notice and hearing.

With the court's approval, the receiver may employ attorneys, accountants, appraisers, auctioneers, or other professionals to assist the receiver. The receiver and any professionals employed must maintain itemized billing records.

Creditors and parties of interest and other persons submitting written claims in the receivership are bound by the acts of the receiver and court orders relating to the receivership regardless of whether the person is a party to the receivership action. The receiver must maintain a master mailing list of all parties and parties in interest that file and serve a notice of appearance in the receivership. All persons on the master list must be given 30 days notice prior to certain hearings and other proceedings specified in the bill.

Certain claims must be in the form as required by the bill, served on the receiver, and filed with the court. The claims administration process must be administered by a general receiver and may be administered by a limited receiver when ordered by the court.

Prior to the entry of an order approving the general receiver's final report, the receiver or any party in interest may file with the court an objection to a claim. A copy of the objection must be mailed to the creditor who has 30 days to file, with the court, suggestions in support of the claim. The bill establishes the order of priority on a pro rata basis for the distribution of claims not disallowed by the court.

The court must remove or replace the receiver if the receiver fails to preform the duties prescribed under the bill or ordered by the court.

Upon distribution of all property of the estate or completion of the receiver's duties, the receiver must file a motion with the court to be discharged. The receiver's final report and accounting which includes all receipts and disbursements of the estate must be included in the petition for discharge and filed with the court.

#### LIABILITY MENTAL HEALTH PROFESSIONAL (Section 516.105)

This bill establishes a two-year statute of limitations for actions against a licensed mental health professional for damages for malpractice, negligence, error, or mistake related to health care.

#### EXONERATION (Section 650.058)

This bill specifies that when a court or board of probation and parole specifies the sole reason for a revocation of a person's probation or parole is the conviction for a crime for which a person is later determined to be innocent, the order must, for purposes of these provisions only, be conclusive evidence that the probation or parole was revoked in connection with the crime for which the person was exonerated.

#### SS SCS HB 1816 -- LICENSURE OF PHYSICIANS

This bill modifies provisions relating to health care professionals and prescription refills.

#### HEALTHCARE PROFESSIONALS WORKFORCE DATA COLLECTION (Section 324.001, RSMo)

This bill provides that the State Board of Nursing, Board of Pharmacy, Missouri Dental Board, State Committee of Psychologists, State Board of Chiropractic Examiners, State Board of Optometry, State Board of Occupational Therapy, and State Board of Registration for the Healing Arts may enter into contractual agreements with the Department of Health and Senior Services, public institutions of higher education, and nonprofit entities in order to collect and analyze workforce data from its licensees for the purpose of future workforce planning and to assess the accessibility and availability of qualified health care services and practitioners in Missouri.

Data collection is controlled by the applicable state board requesting the collection, and the boards may release identifying data to the

contractor to facilitate data analysis of the health care workforce. The data collected is the property of the board requesting the data, and shall be maintained as provided in existing law. Data shall only be released in the aggregate form in a manner that cannot be used to identify a specific individual. A board cannot request or collect income or other financial earnings information. Contractors shall maintain the confidentiality of data received and shall not release any data without approval from the applicable board.

#### LICENSURE REQUIREMENTS FOR PHYSICIANS (Sections 334.040 and 334.285)

The bill provides applicants for licensure as a physician or surgeon must provide proof of successful completion of the USMLE or the COMLEX, rather than just proof of completion. The bill repeals the provision authorizing the Board to determine the passing score of the USMLE. Currently, an applicant must pass all three steps of the USMLE within seven years with no more than three attempts on any step. This bill adds that an applicant who took the COMLEX must also take all three steps in seven years with no more than three attempts on any step.

The bill removes the provision that states that in order for the Board to waive licensure requirements for an applicant who is licensed in another state the applicant must be certified by a certifying agency in the applicant's area of speciality.

The state shall not require adherence to the Federation of State Medical Boards' framework as a condition for physician license renewal or any form of specialty medical board certification to practice medicine within the state. The State Board of Registration for the Healing Arts or any other state agency shall not discriminate against physicians who do not maintain specialty medical board certification.

#### PHYSICAL THERAPIST COMPACT (Sections 334.1200-334.1233)

The bill creates a physical therapist compact. To participate in the compact a state must: 1) Participate in the Physical Therapy Compact Commission's data system; 2) Have a mechanism in place for receiving and investigating complaints; 3) Notify the Commission of any adverse action regarding a licensee; 4) Implement a criminal background check; 5) Comply with the rules of the Commission; 6) Use a recognized national examination as a requirement for licensure; and 7) Have continuing education as a requirement for license renewal.

A member state shall grant the compact privilege to a licensee holding a valid license in another member state. In order to have a compact privilege a licensee must: 1) Have an unencumbered license in his or her home state; 2) Have not had any adverse action against the license in the previous two years; 3) Notify the commission that he or she is seeking compact privilege within a remote state; 4) Pay a fee; 5) Meet any jurisprudence requirements established by the remote state; and 6) Report to the Commission adverse action taken by a nonmember state within 30 days from the date the adverse action is taken. The compact privilege is valid until the expiration date of the home license. The licensee providing physical therapy in a remote state is subject to the laws and

regulations of the remote state. If a home state license is encumbered then the licensee shall lose the compact privilege until certain conditions are met as established in the bill.

A remote state has the authority to take adverse action against a licensee's compact privilege in that state, but only a home state may impose adverse action against a license issued by the home state. Additionally, any member state may investigate violations of physical therapy statutes and rules in any other member state in which a physical therapist holds a license or compact privilege. Member states may also participate in joint investigations of licensees.

The bill creates the Physical Therapy Compact Commission. Each member state shall have one delegate who shall be a current member of the member state's licensing board. The commission shall establish bylaws and promulgate rules, which shall have the force and effect of law and shall be binding in all member states. Within the commission, there is an executive board composed of nine members with the authority to act on behalf of the commission. The commission may collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff.

The commission shall develop, maintain, and use a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. Member states are required to submit a uniform data set to the data system on all individuals to whom the compact is applicable. The data shall include: 1) Identifying information; 2) Licensure data; 3) Adverse actions against the licensee or compact privilege; 4) Nonconfidential information related to alternative program participation; 5) Denial of application for licensure; and 6) Any other information that may facilitate the administration of the compact.

If a member state defaults in its performance of its obligations under the compact or promulgated rules then the defaulting state may be terminated from the compact as provided in the bill.

The compact shall not become effective until 10 states enact the compact into law.

#### NURSING EDUCATION INCENTIVE PROGRAM (Section 335.203)

Currently, the Nursing Education Incentive Program is administered by the Department of Higher Education. This bill makes the State Board of Nursing the administrative agency responsible for implementing the program.

#### NURSING LICENSURE COMPACT (Sections 335.360-335.415)

This bill establishes a new nursing licensure compact in which states who are members of the compact, known as party states, may issue multistate nursing licenses for the practice of registered, licensed practical, or vocational nursing. A multistate nursing license shall authorize a nurse

to practice under a multistate licensure privilege in each party state. The act does not affect the requirements established by a party state for the issuance of a single-state license.

This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact by no less than 26 states or December 31, 2018. All party states to this compact that were also parties to the prior nurse licensure compact shall be deemed to have withdrawn from the prior compact within six months after the effective date of this compact.

This bill requires a party state to adopt procedures for considering the criminal history of applicants for an initial multistate license, and require an applicant for multistate licensure to: 1) Meet certain educational requirements as specified in the bill; 2) Pass the NCLEX-RN or NCLEX-PN examination; 3) Hold or be eligible for an active, unencumbered license; 4) Submit fingerprints for a criminal background check; 5) Not have been convicted of a felony or a misdemeanor related to the practice of nursing, or enrolled in an alternative licensure disciplinary program; and 6) Have a valid Social Security number.

A nurse practicing in a party state, not his or her home state, is subject to the jurisdiction of the licensing board, courts, and laws, of the party state in which the client is located at the time service is provided. A party state may take adverse action against a nurse's multistate licensure privilege, and shall notify the administrator of the coordinated licensure information system of any disciplinary action. The administrator shall then inform the licensee's home state of any such action by another state against the licensee.

All party states shall participate in a coordinated licensure information system, which shall include information on the licensure and disciplinary history of each nurse, and shall be administered by a nonprofit organization composed of and controlled by the party states' licensing boards. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

A nurse who holds a multistate license issued by his or her home state on the effective date the compact may retain and renew the multistate license issued by the current home state. However, a nurse who changes primary state of residence after the effective date of the compact shall meet the requirements to obtain a multistate license from a new home state. A nurse may hold a multistate license issued by the home state, in only one party state at a time. If a nurse moves to a new party state, he or she must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated. If a nurse moves to a non-party state then the multistate license issued by the prior home state will convert to a single-state license, valid only in the prior home state.

The licensing board of each state shall have the authority to take disciplinary action against a nurse's multistate licensure privilege to practice within the party state, but only the home state shall have the power to take adverse action against a nurse's license issued by the home state.

The Interstate Commission of Nurse Licensure Compact Administrators, composed of one designee from each party state, shall have the authority to promulgate uniform rules to implement and administer the compact. Such rules shall be binding in all party states and have force and effect of law. The bill sets forth procedures and requirements that the commission must follow in order to exercise its rulemaking powers. The commission shall meet at least once a year and the meetings shall be open to the public. The commission shall establish bylaws or rules to govern its conduct which shall be published on the commission's website.

If the commission determines that a party state has defaulted in the performance of its responsibilities under the compact and fails to cure such default, then the party state's membership in the compact shall be terminated upon an affirmative vote of the members of the commission.

This bill becomes effective upon notification to the Revisor of Statutes by the commission that no less than 26 states have enacted the compact, or December 31, 2018, whichever occurs earlier.

#### OPTOMETRY STUDENTS (Section 336.020)

The bill provides that the statutory prohibition of the unlawful practice of optometry shall not apply to students enrolled in an accredited school of optometry training under the direct supervision of a licensed physician or optometrist.

#### MAINTENANCE MEDICATION (Section 338.202)

This bill provides that a pharmacist may dispense varying quantities of maintenance medication per fill up to the total number of dosage units as authorized by the prescriber, unless the prescriber has specified that dispensing a prescription for maintenance medication in an initial amount is medically necessary. When the dispensing of the maintenance medication is based on refills then the pharmacist shall dispense no more than a 90 day supply and the patient must have already been prescribed the medication for three months.

#### EARLY REFILLS OF PRESCRIPTION EYE DROPS (Section 376.1237)

The bill extends the sunset provision for coverage of early refills of prescription eye drops from January 1, 2017 to January 1, 2020.

#### USE OF RESTRAINT BY A PHYSICIAN ASSISTANT OR ASSISTANT PHYSICIAN (Section 630.175)

The bill allows a physician assistant or an assistant physician with a supervision agreement with the attending physician to determine that the

physical or chemical restraint, isolation, or seclusion of a patient in a mental health facility or program is or is not necessary.

#### SCS HB 1851 -- GERMAN HERITAGE CORRIDOR

This bill designates specific counties along the Missouri River that were greatly influenced by early German settlers as the "German Heritage Corridor of Missouri" and authorizes the Department of Transportation to place suitable markings and informational signs in the designated areas. The cost for the designation is paid for by private donations.

#### SS SCS HCS HB 1862 -- LANDLORD-TENANT

This bill specifies that for the purpose of restoring possession in a landlord tenant action, judgment must be executed no sooner than 10 days after the judgment.

Currently, if on any date after the date of any original trial, the defendant satisfies the judgment and pays all costs, the execution for possession of the premises must cease and be stayed. The bill requires that in order to cease and stay an execution for possession, the defendant must satisfy the judgment on any date after the date of any original trial and before the judgment becomes final.

The bill specifies that additional conditions of an appeal bond must be to stay waste and to pay all subsequently accruing rent, if any, into court within 10 days after it becomes due. Execution for the purposes of restoring possession must be stayed pending an appeal if the losing party posts a sufficient appeal bond.

All security deposits must be held by the landlord in a bank, credit union, or depository institution insured by an agency of the federal government. Security deposits must not be commingled with other funds of the landlord and must be held in a trust established by the landlord and deposited in a bank, credit union, or depository institution account in the name of the trustee. Any interest earned on a security deposit is the property of the landlord. A landlord licensed under and subject to the requirements of Chapter 339, RSMo, in lieu of complying with this subsection, must maintain all tenant security deposits in a bank, credit union, financial or depository institution account, and must not commingle such security deposits with other funds of the landlord except as provided in Section 339.105. A housing authority or any other government entity acting as a landlord is not subject to these provisions.

This bill specifies that a landlord and tenant may agree in the rental agreement to withhold from the security deposit an amount or fee for specific services that may be required to return the rental premises to its condition at the commencement of the tenancy, so long as the rental agreement includes a provision notifying the tenant that he or she may be liable for actual costs for carpet cleaning that exceed ordinary wear and tear, which may also be withheld from the security deposit.

Currently, a landlord is authorized to withhold only the amount that is reasonably necessary to restore the dwelling unit to its condition at the commencement of the tenancy, ordinary wear and tear excepted.

#### HB 1870 -- THE COLLECTION OF MONEY BY PUBLIC ENTITIES

THE COLLECTION OF MONEY BY PUBLIC ENTITIES (Sections 1.310 and 143.173, RSMo)

This bill extends the provisions of The Collection of Money by Public Entities which provides tax relief to certain small businesses for five years beginning August 28, 2016. The bill:

(1) Specifies that any federal mandate compelling the state to enact, enforce, or administer a federal regulatory program must be subject to authorization through appropriation or statutory enactment;

(2) Extends the restriction on an increase of any state-imposed user fee and the requirement that any state agency proposing a rule must certify that it does not have an adverse impact on small businesses; that it is necessary to protect the life, health, or safety of the public; or that any small business is exempt from the rule; and

(3) Specifies the definition of "small business" to include businesses with fewer than 50 employees.

The bill authorizes, for tax years 2016 through 2021, an income tax deduction for a small business for each full-time job created with an annual salary of at least the county average wage as determined by the Department of Economic Development. To be a full-time job, the employee must work at least an average of 35 hours per week for a 52-week period. The business will be allowed a deduction of \$10,000 for each new full-time job created or \$20,000 for each full-time job if the business offers health insurance and pays at least 50% of the premiums.

#### BUSINESS LICENSE TAXES (Section 94.360)

This bill provides that after May 1, 2016 a municipality shall not impose a business license tax on any business under more than one of the following Sections; 94.110, 94.270, or 94.360 pertaining to various different businesses. However, that restriction shall not apply to any tax levied by a fourth class city for a project from which bonds are outstanding as of May 1, 2005, or business license taxes imposed by the City of St. Louis or Kansas City.

#### QUALIFIED HEALTH INSURANCE (Section 143.121)

This bill removes the taxpayers' duty to provide the Department of Revenue with proof of the amount of qualified health insurance premiums paid for the purposes of determining one's federal adjusted gross income. The department may request for such proof though.



#### FEDERAL WORK AUTHORIZATION PROGRAM (Section 285.530)

This bill provides that businesses entities, as a condition for the award of any contract or grant exceeding \$5000 by the state or by any political subdivision thereof, state subsidized tax credit, tax abatement, or loan from the state, shall swear by affidavit that it is participating in a federal work authorization program with respect to those employees working in connection with those contracted services, unless participation in such a federal work authorization program would result in a substantial difficulty or expense.

#### SS HCS HB 1877 -- CHILDREN'S DIVISION

##### CENTRAL REGISTRY (Sections 210.110 and 210.118, RSMo)

This bill adds to the list of crimes that make an individual eligible to be listed on the Central Registry. The added crimes include rape, sodomy, and promoting prostitution if the victim is under the age of 18, and sexual exploitation of minor, possession of child pornography, furnishing pornographic materials to minor, child used in sexual performance, and promoting sexual performance by a child.

The bill requires the court clerk to send a certified copy of any judgment or order to the Children's Division within the Department of Social Services when the court finds by a preponderance of the evidence that an individual is responsible for child abuse or neglect and in every case in which a person has pled guilty or has been found guilty of specified crimes involving murder, manslaughter, assault, or sexual offenses against children or an attempt to commit any of the crimes. Upon receipt, the division must list the individual as a perpetrator of child abuse or neglect in its central registry.

##### EVALUATIONS BY SAFE CARE PROVIDERS (Section 210.146)

The bill requires the Children's Division, upon receipt of a report of child abuse or neglect concerning a child three or under and a determination that such report merits an investigation, to include in the investigation an evaluation of the child by a SAFE CARE provider or a review of the child's case file and photographs of the injuries by a SAFE CARE provider. When a SAFE CARE provider makes a diagnosis that a child three or under has been subjected to physical abuse, and the provider reports such suspicions to the division, the division must immediately recommend to the juvenile officer that such child be taken into protective custody.

##### TASK FORCE ON THE PREVENTION OF INFANT ABUSE AND NEGLECT (Section 210.154)

The bill creates the Missouri Task Force on the Prevention of Infant Abuse and Neglect to study and make recommendations concerning the prevention of infant abuse and neglect in Missouri. The task force consists of nine members, including two members of the Senate appointed by the Senate Pro Tem and two members of the House appointed by the

Speaker. The first meeting shall be held by October 1, 2016 and the task force shall submit a report to the General Assembly by December 31, 2016.

#### CHILDREN'S DIVISION EMPLOYEE TRAINING (Section 210.180)

The bill requires certain Children's Division employees to attend at least four hours of annual training in medical forensics relating to child abuse and neglect as approved by the SAFE CARE network.

#### CHILDREN IN FOSTER CARE (Sections 210.660-210.680)

The bill requires that a court and all parties to a case involving a child in care shall defer to the reasonable decisions of the child's designated caregiver involving decisions about the child's participation in extracurricular, enrichment, cultural, and social activities. The Children's Division or a contracted agency must designate at least one on-site caregiver who has the authority to apply the reasonable and prudent parent standard, as specified in the bill, for each child placed in its custody. Such caregiver must receive a training regarding the reasonable and prudent parent standard. So long as a caregiver acts in accordance with such standard, the caregiver will not be liable for harm caused to a child while participating in an activity chosen by the caregiver.

This bill requires that a child be consulted regarding his or her case plan when that child reaches the age of 14. If a child leaves foster care because he or she has reached the age of 18 or an older age as selected by the state, the Children's Division shall provide the child with an official or certified copy of his or her United States birth certificate, a Social Security card, health insurance information, a copy of the child's medical records, and a driver's license or identification card issued by the state. This shall not apply to children who have reached the age of majority and who have been in child care for less than six months and who are not eligible to receive such documents.

This bill also prohibits a child under the age of 16 from having a permanency plan of another planned permanent living arrangement. For children who do have such a permanency plan, the court must make findings of facts and conclusions of law as specified in the bill.

#### REENTRY OF CHILDREN IN THE CUSTODY OF CHILDREN'S DIVISION (Sections 211.031 and 211.036)

The bill changes the law regarding reentry of children who are released from the custody of the division. The bill adds proceedings involving any youth for whom a petition to return the youth to the division's custody has been filed to those proceedings over which the juvenile court or family court, if available, have exclusive original jurisdiction in proceedings. Currently, if a youth under 21 years of age is released from the custody of the division and it would be in the youth's best interest to have his or her custody returned to the division, the juvenile officer, the division, or the youth may petition the court to return custody to the division until the youth is 21 years old. The bill requires the petition to be filed in the court that previously exercised

authority over the youth, in the court where the youth resides, or in the court of an adjacent county. In deciding if it is in the best interest of the youth to be returned to the custody of the division under these provisions, the court is required to consider:

- (1) The circumstances of the youth;
- (2) Whether the division has services or programs in place that will benefit the youth and assist the youth in transitioning to self-sufficiency; and
- (3) Whether the youth has the commitment to fully cooperate with the division in developing and implementing a case plan.

The bill prohibits the court from returning a youth to the custody of the division if the youth:

- (1) Has been committed to the custody of another agency;
- (2) Is under a legal guardianship; or
- (3) Has pled guilty or who has been found guilty of a felony criminal offense.

The bill requires the youth to cooperate with the case plan developed for the youth by the division in consultation with the youth. Upon motion of the Children's Division or the youth, the court may terminate care and supervision before the youth's 21st birthday if the court finds the division does not have services available for the youth, the youth no longer needs services, or if the youth declines to cooperate with the case plan. The youth may request to be appointed a guardian ad litem. The bill requires the court to hold review hearings as necessary, but at a minimum no less than once every six months for the duration of the division's custody of the youth.

#### SS HCS HB 1891 -- LABOR ORGANIZATIONS

(Vetoed by the Governor)

This bill prohibits any sum from being withheld from the earnings of a public employee for the payment of any portion of dues, agency shop fees, or other fees paid by public employee members of a public labor organization or a public employee who is a nonmember except upon the annual written or electronic authorization of the employee.

A public labor organization is prohibited from using or obtaining any portion of dues, agency shop fees, or any other fees paid by member and nonmember public employees to make political campaign contributions or expenditures unless it obtains a written or electronic authorization from the member or nonmember within the previous 12 months.

This bill further requires public labor organizations to maintain financial records, identical to those required by federal law (29 U.S.C.

431(b)), for no less than 5 years. Each report required under this section must be made available to employees in a searchable electronic format. If a public labor organization fails to make the reports available to an employee, that employee will have a cause of action against the organization.

The provisions of this bill do not apply to public employee first responders.

#### SCS HB 1936 -- SHERIFFS ASSISTING IN OTHER COUNTIES

This bill establishes that any sheriff, or deputy sheriff sent by a sheriff, responding to a request for assistance in another county is considered an employee of the sending sheriff's office and will be subject to benefits and provisions provided to him or her as an employee of the sending sheriff's office.

This bill also establishes that any funds deposited into prisoner detainee security funds shall be used only to supplement the sheriff's funding received from other county, state, or federal funds. The county commission shall not reduce any sheriff's budget as a result of any funds received within the fund.

Finally, this bill requires a mobile video recording that is recorded in a nonpublic location to be closed, except that any person who is depicted in the recording or whose voice is in the recording, or his or her agent, may obtain a complete, unaltered, and unedited copy of the recording upon written request. Mobile video recordings are closed records, subject to exceptions specified in the bill.

#### SS SCS HB 1941 -- FANTASY SPORTS EXEMPTION

This bill requires the Missouri Gaming Commission to provide annual licenses for the operation of websites engaged in daily fantasy sports games in Missouri. Operators will pay an annual application fee of \$10,000 or 10% of the applicant's net revenue from the previous calendar year, whichever is lower.

Licensed operators must hold amounts for their players in trust and must post procedures on their website that will prevent unauthorized withdrawals or commingling of the funds and provide procedures for a player to report a compromised account. Licensed operators may not issue credit to players and may not allow multiple accounts for one player.

All winning outcomes shall be determined by accumulated statistical results of fully completed contests or events rather than just a portion thereof, except that fantasy participants may be credited for statistical results accumulated in a suspended or shortened contest or event which has been called on account of weather or other natural or unforeseen event. Players shall not be allowed to select athletes through an auto-draft that does not involve any input or control by the player or to choose preselected teams of athletes. The fantasy sports contest

operator cannot offer or award a prize to the winner of, or athletes in, the underlying competition itself. Contests cannot be based on the collegiate, high school, or youth athletics or performances.

Licensed operators shall verify players' states of residence and that players are over 21, the legal age of participation in Missouri. Licensed operators shall maintain exclusion lists. Licensed operators are subject to advertising restrictions.

Persons associated with licensed operations may not disclose proprietary or nonpublic information to individuals who are eligible to participate in fantasy sports games. Licensed operators must conduct and pay for an annual independent audit to ensure compliance with this bill.

Documents and information provided to the commission are closed records, but certain information must be disclosed to the public based on a written request. The commission shall oversee all licensed operators and has certain investigatory, licensing, and rule-making powers under these provisions.

#### SCS HCS HB 1976 -- MOTOR VEHICLE SERVICES

##### SERVICE CONTRACTS

This bill expands the definition of "motor vehicle extended service contract" to include a contract or agreement for a repair of certain road hazard damages, replacement of a vehicle key or key fob when inoperable, stolen or lost, or other services approved by the Director of the Department of Insurance, Financial Institutions and Professional Registration.

The bill also specifies that a refund of the service contract after the required free look period may be through a service contract provider or its specified designee.

##### TOWING COMPANY REGULATIONS

This bill establishes several new regulations concerning the State Highway Patrol and tow truck companies.

In authorizing a towing company to perform services, a patrol officer may utilize the services of a tow management company or tow list. The State Highway Patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list. A towing company is subject to removal from a tow list at any time. A patrol officer shall not use a towing company located outside of Missouri, except under specific circumstances. A tow truck arriving at the scene of an accident that has not been called by a patrol officer, a law enforcement officer, or the driver or owner of the vehicle or his or her authorized agent or motor club, shall be prohibited from towing the vehicle from the scene, unless the tow truck operator is rendering emergency aid in the interest of public safety, or operating during a declared state of emergency. A tow truck operator convicted of,

or pleading guilty to, violating this provision is guilty of a class D misdemeanor for the first violation, with the tow truck subject to impounding. A second violation shall be a class A misdemeanor and the third and any subsequent offense, a class D felony.

A tow truck company must display their business address at their location and in such a way that it is visible from the street or road. The lot must be open for a minimum of 10 hours per day, Monday through Friday, 52 weeks per year, excluding federal holidays, for customers to view or retrieve vehicles. Customers cannot be charged additional fees to view or retrieve their vehicles during these regular business hours. Having towed a vehicle, the towing company cannot remove said vehicle from the State of Missouri unless authorized to do so by the vehicle owner or his or her agent. When a motor vehicle has been transferred to a towing company's storage lot or vehicle storage facility, such vehicle shall not be transferred without providing the owner 24 hours advanced notice, including the address where the vehicle is being transferred and all costs associated with moving the vehicle.

Unless notified by a law enforcement agency that a motor vehicle is being preserved as evidence, a storage lot facility or towing company shall allow insurance adjusters access to and allow inspection of a motor vehicle.

#### AUTOCYCLES

This bill allows a licensed person to operate an autocycle on highways and streets without a helmet as long as it is equipped with a roof which meets established standards for protective headgear. The bill further clarifies that autocycles are motor vehicles, not motorcycles.

#### CCS SS SCS HB 1979 -- REGISTERED LOBBYISTS

This bill prohibits statewide officials, members of the General Assembly, and appointed officials whose appointments are subject to Senate confirmation from registering as lobbyists after vacating their office until six months after the expiration of their term in office. This provision applies only to lobbying for pay where compensation is in excess of reimbursement for expenses and it does not apply to lobbying for state departments or agencies.

Members of the General Assembly and statewide elected officials may not solicit registered lobbyists for positions beginning after their term in office while they hold office.

#### CCS SS SCS HB 1983 -- PAID POLITICAL CONSULTANTS

This bill prohibits statewide elected officials, members of the General Assembly, and candidates for those offices from receiving compensation as political consultants who are paid for profit to engage in specified political activities on behalf of other individuals holding office as statewide elected officials or members of the General Assembly.

Compensation for activities on behalf of a candidate committee for another individual holding statewide office or who is a member of the General Assembly is also prohibited as is serving as a paid political consultant for any type of campaign committee or continuing committee. The terms "campaign committee," "continuing committee," "candidate committee" and "candidate" are specified under Section 130.011, RSMo. The bill specifically excludes vendors who provide tangible goods and services in the ordinary course of business to candidates or committees from the definition of a paid political consultant.

#### SS HCS HB 2029 -- STEP THERAPY FOR PRESCRIPTION DRUGS

This bill changes the laws regarding step therapy protocols for prescription drugs. In its main provisions, the bill:

- (1) Requires health carriers, health benefit plans, and utilization review organizations to provide health care providers access to a clear, convenient, and readily accessible process to request a step therapy override exception determination for prescription drugs that are restricted for use via a step therapy protocol;
- (2) Requires a step therapy override exception determination to be granted if the patient has tried the step therapy required drugs previously and such drugs were discontinued for specified reasons;
- (3) Permits a health carrier, health benefit plan, or utilization review organization to request relevant documentation from the patient or provider to support the override exception;
- (4) Requires the health carrier, health benefit plan, or utilization review organization, upon the granting of an override exception request, to authorize dispensation of and coverage for the prescription drug prescribed by the patient's treating health care provider, provided the drug is a covered drug under the policy or contract;
- (5) Requires the Department of Insurance, Financial Institutions and Professional Registration to enforce the provisions of the bill; and
- (6) Requires the provisions of the bill to apply only to health insurance and health benefit plans delivered, issued for delivery, or renewed on or after January 1, 2018.

#### SCS HCS HB 2030 -- STOCK OWNERSHIP TAX DEDUCTION

Beginning January 1, 2017, this bill authorizes an income tax deduction for 50% of the net capital gain from the sale or exchange of employer securities of a Missouri corporation to a qualified Missouri employee stock ownership plan if, upon completion of the transaction, the qualified Missouri employee stock ownership plan owns at least 30% of all outstanding employer securities issued by the Missouri corporation.

The provisions of the bill will expire on December 31, six years after the effective date.

#### SCS HB 2125 - SAVINGS PROGRAMS

ABLE ACT (209.600, 209.605, 209.610 and 209.630, RSMo)

This bill provides that the assets of the ABLE program shall at all times be preserved, invested, expended, and distributed only for the purposes set forth in current law as well as Section 529A of the Internal Revenue Code. Current law provides that no property rights in ABLE assets shall exist in favor of the state. The bill removes that provision.

SAVINGS PROMOTIONS PLANS (408.800, 408.810, 408.820, and 408.830)

This bill authorizes eligible financial institutions to offer and conduct savings promotion programs. A savings promotion program is a contest that offers a participant chances to win prizes if he or she makes a minimum deposit into an eligible account.

#### SCS HCS HB 2140 -- TASK FORCE ON FAIR, LOCAL TAXATION

This bill authorizes a taxing jurisdiction to hold a vote, no later than November 2018, on whether to impose a local sales tax on vehicle titling on purchases from a source other than a licensed Missouri dealer after such a tax was repealed.

The bill creates the Missouri Task Force on Fair, Nondiscriminatory Local Taxation Concerning Motor Vehicles, Trailers, Boats, and Outboard Motors to consist of 14 specified members including three members of the House of Representatives, with no more than two members from the same political party, appointed by the Speaker of the House and three members of the Senate, with no more than two members from the same political party, appointed by the President Pro Tem of the Senate. The task force will review the disparity in taxation that resulted from the Missouri Supreme Court's decision in *Street v. Director of Revenue*, the need for local jurisdictions to continue to receive revenue to provide vital services, and the need to avoid placing Missouri dealers of motor vehicles at a competitive disadvantage to non-Missouri dealers. The task force must submit a report of its findings to the Governor and General Assembly by December 31, 2017 and the task force expires on January 1, 2018.

#### HCS HB 2150 -- UNCLAIMED LIFE INSURANCE BENEFIT ACT

This bill creates the Unclaimed Life Insurance Benefits Act. The bill requires life insurance companies to compare policies, annuities, and accounts against the United States Social Security Administration's death master file on at least a semiannual basis to find potential matches on



insureds who have passed away. The life insurance company shall then make a good faith effort to find potential beneficiaries and provide them with appropriate claims forms for the purpose of paying any benefits due. In the event such beneficiaries or owners cannot be found the company shall remit the unclaimed benefits to the State Treasurer as unclaimed property under Section 447.510, RSMo.

These provisions will apply to companies that used the death master file prior to January 1, 2018 to find annuitants that were deceased retrospectively. All other companies the provision will apply to new accounts issued or entered into on or after January 1, 2018.

## SS SCS HCS HB 2194 -- REGULATION OF INSURANCE

### WORKERS COMPENSATION (Section 387.955, RSMo)

Currently, the rating plan prohibits an adjustment to the experience modification of an employer if the total medical cost does not exceed \$1000. This bill changes that amount to 20% of the current split point of primary excess losses under the uniform experience rating plan.

When premium modifications result due to a schedule rating plan with an underwriter determining individual risk characteristics, then up to an additional 10% credit may be given for a reduction in the insurer's expenses, rather than "an additional 10%" reduction.

### AFFIDAVIT REQUIREMENTS FOR INSURERS (Section 374.205)

This bill allows insurance companies to file one affidavit, when market conduct reports from the Department of Insurance, Financial Institutions and Professional Registration are adopted, indicating acceptance of such reports rather than requiring all directors of a company to file an affidavit. This affidavit will be executed by its general counsel or chief legal officer.

### RENEWAL OF INSURANCE POLICIES (Sections 375.004 and 379.118)

This bill specifies that when an insurer transfers an insurance policy among affiliated insurers within an insurance holding company that it is not considered to be a cancellation or nonrenewal. If the transfer policy is substantially different than the original policy the insurer must notify the insured at least 15 days in advance of the effective date of the assignment or transfer.

### INSURERS (Section 379.125)

This bill will allow property and casualty insurers and reinsurers to write limited amounts of life insurance business outside of the United States which is written or assumed as a rider attached to a base policy, provided the aggregate premium assumed annually does not exceed 3% of the capital and surplus of the company as of December 31 of the previous year.

#### SELF SERVICE STORAGE INSURANCE (Section 379.1640)

This bill creates a regulatory system for self-service storage insurance and the selling of such insurance. A limited lines self-service storage producer is allowed to offer and disseminate self-service storage insurance. Producers shall meet certain licensing and training criteria and maintain a register of individuals that offer self-service storage insurance for the producer and provide such information to the Department of Insurance, Financial Institutions and Professional Registration upon request. Employees and authorized representatives offering self-service storage insurance shall receive training that meets minimum standards as outlined, which shall be reviewed and approved by the department director.

Producers offering self-service storage insurance shall provide brochures or other print materials to prospective purchasers that meet minimum standards as outlined in the bill. Self-service storage insurance producer's employees and authorized representatives shall not engage in certain activities including evaluating the technical terms of the policies or holding themselves out as insurance producers. Limited lines self-service storage insurance producers, operators, employees and authorized representatives can offer self-service storage insurance policies in an amount not to exceed \$5,000 per customer per unit.

#### CCS#2 SS SCS HB 2203 -- INVESTMENT OF CAMPAIGN FUNDS

This bill requires funds held in candidate committees, campaign committees, debt service committees, and exploratory committees to be liquid and readily available for the specific and limited purposes allowed by law. These funds may be invested only in short-term treasury instruments or short-term bank certificates with durations of six months or less, or that allow the removal of funds at any time without any additional financial penalty other than the loss of interest income. Continuing committees, political party committees, and other committees such as out-of-state committees not formed for the benefit of any single candidate or ballot issue are not subject to the bill.

Any person who registers as a lobbyist must dissolve his or her candidate committee and can disburse moneys from such committee only as follows upon dissolution:

- (1) Returning a contribution made to the candidate committee to the entity responsible for making the contribution to the committee;
- (2) Donating moneys to a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; or
- (3) Transferring moneys to a political party committee.

Any person who transfers funds from his or her candidate committee, or a committee over which they have control over the expenditures,

to any other committee can be compensated, for any purpose, by the committee that received such funds. No person who registers as a lobbyist may transfer funds from any candidate committee, exploratory committee, debt service committee, or continuing committee under his or her control to any such committee controlled by a candidate or public official, as defined under Section 105.470, RSMo.

The bill contains a severability clause.

#### HB 2237 -- UNIVERSITY OF MISSOURI EXTENSION

This bill specifies that it shall not be a conflict of interest for any county commissioner to discuss any matters, including budget matters, of any board or commission on which the commissioner serves, including the University of Missouri Extension Council.

In addition, any member of the University of Extension Council may obtain financing in his or her own name for any real or personal property and that such financing shall not be a debt of the university.

#### SS SCS HCS HB 2332 -- JUDICIAL PROCEEDINGS

This bill modifies provisions relating to crime.

FELONY CLASSIFICATIONS (Sections 192.2260, 301.559, 339.100, 400.9-501, 571.020-571.072, 632.520, and Section B)

During the 2014 session, the General Assembly passed a large-scale revision of the Missouri Criminal Code, which included the addition of a class E felony and a modification of the terms of imprisonment for class C, D, and E felonies.

Currently, the maximum term for a class C felony is seven years and the maximum term for a class D felony is four years. Beginning January 1, 2017, when SB 491 (2014) takes effect, the term of imprisonment for a class C felony will be three to 10 years, the maximum term for a class D felony will be seven years, and the maximum term for a class E felony will be four years.

To reflect the change in the authorized terms of imprisonment, this act modifies several crimes once classified as class C felonies to make them class D felonies and crimes once classified as class D felonies have become class E felonies.

ELDER ABUSE REPORTING (Sections 192.2405, 192.2410, 192.2475 and 565.188)

Currently, certain types of people must report to the Department of Health and Senior Services if the person has reasonable cause to suspect that a person 60 years of age or older or an eligible adult has been subject to abuse or neglect. This bill provides that reports only need to be made if the victim is an eligible adult. The bill further adds emergency medical technicians, firefighters, and first responder to the list of mandated reporters. A provision regarding an investigation of abuse by an in-home services client manager and local area agency on aging training is repealed.

FELONY CLASSIFICATIONS FOR OFFENSES OUTSIDE THE CODE (Section 557.021)

Currently, for offenses outside the criminal code, if the felony is for a maximum term of imprisonment of less than 10 years, it shall be

considered a class D felony and if the maximum term is four years, it is a class E felony. This bill provides that to be considered a class D felony, the maximum term must exceed four years but be less than 10 years, and the maximum term to be considered a class E felony shall four years or less.

#### OFFENSE OF CONSPIRACY (Section 562.014)

This bill modifies the offense of conspiracy by providing that if a person conspires to commit a number of offenses, such person can be found guilty of only one offense of conspiracy if the multiple offenses are the object of the same agreement.

#### LAW ENFORCEMENT USE OF FORCE (Section 563.046)

Currently, the use of physical force when making an arrest is not justified unless the arrest is lawful or the officer reasonably believes the arrest is lawful. This bill adds a provision stating that the use of force when making an arrest is also not justified unless the amount of force used was objectively reasonable in light of the totality of the facts and circumstances confronting the officer, regardless of the officer's intent or motivation.

Currently, a law enforcement officer may use deadly force when he or she reasonably believes the force is immediately necessary to effect an arrest and reasonably believes the suspect has committed or attempted to commit a felony, is attempting to escape by use of a deadly weapon, or may otherwise endanger life or seriously injure another person.

This bill allows a law enforcement officer to use deadly force when effecting an arrest or preventing an escape from custody if the officer reasonably believes the force is immediately necessary to make the arrest or prevent the escape and reasonably believes the person has committed or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury, is attempting to escape by use of a deadly weapon or dangerous instrument, or may otherwise pose a threat of serious physical injury to the officer or others unless arrested without delay.

This provision contains an emergency clause.

#### FIRST DEGREE MURDER (Sections 565.030-565.040)

This bill repeals obsolete provisions stating that certain trials are to proceed in a single stage. Other technical changes were made in this bill to make the provisions align with amendments to the criminal code in SB 491 (2014).

This bill contains an emergency clause for the provisions regarding the penalty for first degree murder.

#### CRIMINAL NONSUPPORT (Section 568.040)

This bill removes a reference to the issue of good cause from a provision providing that the defendant has the burden of injecting certain issues.

#### SECOND DEGREE TAMPERING (Section 569.090)

This bill updates an intersectional reference to the stealing statute, which was reconfigured under the 2014 Criminal Code revision.

#### INTOXICATION-RELATED BOATING AND TRAFFIC OFFENSES (Sections 577.001, 577.010, 577.012, 577.013, 577.014, and 577.037)

This bill provides that a person is an "aggravated boating offender" if he or she has been found guilty of two or more intoxication-related boating offenses committed on separate occasions when at least one of the incidents involved the defendant injuring or killing another person while operating a vessel while intoxicated.

In addition, this bill reinserts county and municipal ordinance violations of driving under the influence of alcohol or drugs into the definition of "intoxication-related traffic offense." Such municipal and county ordinance violations are included in the definition under current law, but not in the Revised Code.

The definition of "persistent offender" was also modified under the bill to include a person who has been found guilty of one intoxication-related traffic offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed. Similar changes were made to the definition of "persistent boating offender."

This bill specifies that habitual offenders of intoxication-related traffic and boating offenses must serve two years in prison before being eligible for probation.

Under the Revised Code, if a chemical test demonstrates a blood alcohol content of less than .08, any criminal charge related to the operating of a vehicle, vessel, or aircraft while intoxicated or with excessive blood alcohol content must be dismissed unless certain other evidence exists. This bill removes the reference to offenses of operating a vehicle, vessel, or aircraft with an excessive blood alcohol content from this provision, so it only applies to operating a vehicle, vessel, or aircraft while intoxicated.

OFFENSE OF LEAVING THE SCENE OF AN ACCIDENT (Section 577.060)

This bill provides that the offense of leaving the scene of an accident is a class E felony if the defendant has previously been found guilty of the same offense.

AGROTERRORISM (Section 578.007)

Currently, certain crimes, including agroterrorism, do not apply to a list of activities, such as bona fide scientific experiments and the killing of garden pests. During the Criminal Code revision, agroterrorism was renumbered. This bill inserts the new statute number for agroterrorism to the statute providing the list of exempt activities.

MARIJUANA POSSESSION (Section 579.015)

Under the marijuana possession provision that takes effect January 1, 2017, the offense of possession of more than 10 grams but less than 36 grams of marijuana or synthetic cannabinoid is a class A misdemeanor. This bill specifies that the offense of possession of more than 10 grams but 35 grams or less of marijuana or synthetic cannabinoid is a class A misdemeanor.

SCS HB 2335 -- MEMORIAL HIGHWAYS

This bill designates memorial state highways.

DENT COUNTY (Section 227.435, RSMo)

This bill designates the portion of Highway 32 crossing over the Meramec River in Dent County as the "Trooper Gary Snodgrass Memorial Bridge." The signage will be paid for by private donations.

AUDRAIN COUNTY (Section 227.439)

This bill designates the portion of State Highway FF in Audrain County, from Elmwood Drive westward to County Road 977, as the "Trooper James M.

Bava Memorial Highway." The signage will be paid for by private donations.

#### SS HB 2355 -- JUVENILE JUSTICE ADVISORY BOARD

This bill creates within the office of State Courts Administrator the Missouri State Juvenile Justice Advisory Board, which must provide consultation and recommendations regarding ongoing best practices within the juvenile court system and juvenile officer standards. The bill specifies the required membership of the board.

Board members must serve for a term of at least four years and may be reappointed to the board by their entities for consecutive terms. All vacancies on the board must be filled for the balance of the unexpired term in the same manner in which the vacant membership was originally filled. Members of the board must serve without compensation and the board must elect officers from the membership consisting of a chairperson and secretary.

The board is required to meet a minimum of four times per calendar year and must provide to the Office of State Courts Administrator, the Office of Child Advocate, and the Joint Committee on Child Abuse and Neglect a written annual report of recommendations and activities.

#### SS SCS HCS HB 2376 -- CONSTRUCTION MANAGEMENT

This bill creates new provisions relating to construction management which enable political subdivisions to use design-build or construction management at-risk methods and modifies a current provision dealing with highway design-build project contracts.

##### CONSTRUCTION MANAGERS AT-RISK (Section 67.5050, RSMo)

The bill creates the construction manager-risk method which political subdivisions are permitted to use when engaging in civil-works projects in excess of \$2 million and non-civil works projects in excess of \$3 million. When entering into contracts for the services of a construction manager at-risk for such construction projects, political subdivisions are required to follow the procedures set forth in this bill.

Political subdivisions are required to select both a construction manager at-risk and an engineer or architect who will prepare the construction documents for the project. The engineer is not permitted to serve as the construction manager at-risk.

Construction managers at-risk are required to publicly advertise and receive bids or proposals from trade contractors or subcontractors. In the event that the political subdivision has a preference for a subcontractor or trade contractor that differs from the construction manager at-risk, the political subdivision is required to compensate the construction manager at-risk by the change in price, time, or guaranteed

maximum cost for any additional cost and risk incurred by the construction manager at-risk.

A political subdivision is required to publish a request for proposal or qualifications in a newspaper of general circulation for a period of two weeks prior to opening the submitted proposals or qualifications. Within 45 days, the political subdivision shall evaluate each proposal and interview at least two of the top bidders. The political subdivision is required to select the proposal that offers the best value, as determined by the political subdivision.

This provision does not apply to constitutionally-established metropolitan sewer districts, special charter cities, charter counties, or charter cities that have adopted the construction manager at-risk method via ordinance, rule, or regulation. This provision will sunset on September 1, 2026.

#### DESIGN-BUILD CONTRACTS (Sections 67.5060 and 227.107)

The bill further creates new provisions of law relating to design-build contracts entered into between a political subdivision and a design-builder. A design-build contract is one that is entered into for the purpose of furnishing architectural, engineering, and related design services and the labor, materials, supplies, equipment, and other construction services required for a design-build project. Specifically, the bill sets forth the process to be followed in requesting proposals for design-build contracts. The political subdivision shall solicit proposals in a three-stage process: Phase I shall be the solicitation of qualifications of the design-build team; Phase II shall be the solicitation of a technical proposal including conceptual design for the project; and Phase III shall be the proposal of the construction cost. Non-civil works projects must be in excess of \$7 million. Civil works projects do not have a price threshold.

In addition, this bill authorizes any political subdivision to use a design-build contractor for waste water and water treatment projects and prohibits the Department of Economic Development from rejecting waste water or water treatment projects solely for using design-build when disbursing certain grants and loans.

These provisions do not apply to constitutionally-established metropolitan sewer districts, special charter cities, charter counties, or charter cities which have adopted the design-build method via ordinance, rule, or regulation. This provision will sunset on September 1, 2026.

Currently, the authority for the State Highways and Transportation Commission to enter into highway design-build project contracts expires on July 1, 2018. This bill removes the expiration date.

#### SS SCS HCS HB 2379 -- DYSLEXIA SCREENING IN SCHOOLS

DYSLEXIA SCREENING IN SCHOOLS (Sections 167.950 and 633.420)

This bill requires each public school to screen students for dyslexia and related disorders at appropriate times in accordance with rules established by the State Board of Education. The Department of Elementary and Secondary Education (DESE) must develop guidelines for the appropriate screening of students and the necessary classroom supports. The requirements and guidelines must be consistent with the findings and recommendations of the Legislative Task Force on Dyslexia, which is also created by this bill.

The school board of each district and governing board of each charter school must provide reasonable support consistent with the guidelines developed by DESE. "Related disorders" are defined as disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dysgraphia, and developmental spelling disability.

Beginning in the 2018-19 school year, practicing teacher assistance programs will include two hours of in-service training regarding dyslexia and related disorders.

This bill establishes the Legislative Task Force on Dyslexia. The task force consists of 21 specified members including two members appointed by the Speaker of the House of Representatives and two members appointed by the President Pro Tem of the Senate. The task force must meet quarterly and make recommendations to the Governor, the Joint Committee on Education, and specified state agencies.

The task force will make recommendations for a statewide system for identification, intervention, and delivery of supports for students with dyslexia including the development of resource materials, professional development activities, and proposed legislation.

The task force authorized under these provisions will expire on August 31, 2018.

#### YOUTH SUICIDE AWARENESS AND PREVENTION (Section 170.047)

This bill allows, beginning in the 2017-18 school year, any licensed educator to annually complete up to two hours of training or professional development in youth suicide awareness and prevention as part of the professional development hours required for State Board of Education certification.

The bill requires DESE to develop guidelines suitable for this training.

By July 1, 2018, each district must adopt a policy, which must address strategies that can help identify students who are at possible risk of suicide.

#### MODEL POLICY (Section 170.048)

By July 1, 2017, DESE must develop a model policy that districts may adopt.



By July 1, 2021, and at least every three years after, DESE must request information and seek feedback from districts on their experience with the policy for youth suicide awareness and prevention and review this information.

#### SS SCS HCS HB 2380 -- LICENSE PLATES

This bill corrects the citation to the U.S. Code in the definition of "local log truck" in Section 301.010, RSMo.

The bill also enables all trailers and semitrailers to be permanently registered, and shifts the supervision of tractor-trailer permitting from the Motor Carrier and Railroad Safety Division of the Department of Economic Development to the Highways and Transportation Commission.

This bill also provides that the owner of a motor vehicle, other than an apportioned or commercial motor vehicle licensed in excess of 24,000 pounds, may apply for an existing or hereafter created specialty personalized license plate. Additionally, the bill authorizes specialty personalized license plates with the Missouri Boys State or Missouri Girls State emblem with certain restrictions. Currently, the owner of a motor vehicle, other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of 18,000 pounds, may apply for a special personalized license plate.

The bill also removes the requirement that there be an accompanying list of at least 200 potential applicants for those owners seeking to apply for the Missouri Junior Golf Foundation special personalized license plate.

This bill further establishes an advisory committee for the Department of Revenue, which shall exist to develop and approve a new motor vehicle license plate commemorating the bicentennial of Missouri, with approval procedures detailed therein. The advisory committee shall consist of the Director of the Department of Revenue, the Superintendent of the State Highway Patrol, the Director of the Department of Corrections, the Director of the Department of Transportation, the Executive Director of the State Historical Society of Missouri, and the respective chairpersons of both the Senate and House of Representatives Transportation Committees. The reissued license plate shall be designed no later than January 1, 2017, and the Director of the Department of Revenue shall be directed to implement the final design no later than January 1, 2019.

#### SS HCS HB 2381 -- PROPERTY TAX ON MINES

This bill specifies that any real property that is readily available for mining but has not been bonded or permitted for such mining activity shall be assessed according to how the real property is currently being used. Any information provided to a county assessor or other public entity which administers tax policies that is by law declared to be

confidential, including individual taxpayer information and a specific taxpayer's mine property, shall not be disclosed.

#### HB 2428 -- SCHOOL COUNSELORS

Changes the term "guidance counselor" to "school counselor" in laws relating to elementary and secondary education.

#### SCS HCS HB 2453 -- LAND CONVEYANCE

This bill authorizes the Governor to convey certain state property located in Jackson, Phelps, Macon, Cole, and Buchanan counties.

The conveyance in Buchanan county contains an emergency clause.

#### SCS HB 2591, HB 1958 and HB 2369 -- MEMORIAL HIGHWAYS

##### BARRY COUNTY (Section 227.411, RSMo)

This bill designates the portion of Business Highway 37 within the city limits of Cassville, within Barry County, as the "Senator Emory Melton Memorial Highway."

##### JACKSON COUNTY (Section 227.432)

This bill designates the portion of Interstate 470 at the interchange with Woods Chapel Road continuing to Lakewood Boulevard in Jackson County as the "Judge Vincent E. Baker Memorial Highway."

##### MARION COUNTY (Section 227.433)

This bill designates the portion of U.S. Highway 61 from the intersection with Warren Barrett Drive continuing north through the City of Hannibal to County Road 407 in Marion County as the "Tom Boland Highway."

##### PETTIS COUNTY (Section 227.434)

This bill also designates the portion of U.S. Highway 50 from Main Street Road to the intersection of U.S. Highway 65 in Pettis County as the "LeRoy Van Dyke Highway."

##### BOONE COUNTY (Section 227.436)

This bill designates the portion of U.S. Highway 63 from Breedlove Drive to Peabody Road in Boone County as the "U.S. Army Specialist Steven Paul Farnen Memorial Highway."

BOONE COUNTY (Section 227.437)

This bill designates the portion of U.S. Highway 63 from the interchange with Discovery Parkway to Interstate 70 in Boone County as the "U.S. Navy Lieutenant Patrick Kelly Connor Memorial Highway."

PETTIS COUNTY (Section 227.438)

This bill designates the portion of U.S. Highway 50 from the intersection with U.S. Highway 65 continuing east to the Air Center Circle in Pettis County as the "Scott Joplin Memorial Highway."

ST. CHARLES COUNTY (Section 227.440)

This bill designates the portion of Highway 94 from the intersection with Interstate 64 to Mid Rivers Mall Drive/Pitman Hill Road in St. Charles County as the "Col. Stephen Scott Memorial Highway."

BUTLER COUNTY (Section 227.442)

This bill designates the portion of State Route PP from the intersection of Westwood Boulevard west to the Route 67 interchange in Butler County as the "PVT Billie G. Kanell Cong. Medal of Honor Memorial Highway".

JACKSON COUNTY (Section 227.444)

This bill designates the bridge on U.S. Highway 169 crossing over the Missouri River from Jackson County to Clay County as the "John Jordan "Buck" Memorial Bridge."

ST. LOUIS COUNTY (Section 227.528)

This bill designates the portion of State Highway 367 from the southern city limit of Bellefontaine Neighbors north to the intersection of Interstate 270 in St. Louis County as the "Sgt. Peggy Vassallo Way."

BUTLER COUNTY (Section 227.529)

This bill designates the portion of U.S. Highway 67 running north from Route M to the U.S. Highway 67/60 Interchange through the city of Poplar Bluff in Butler County as the "SSgt Eric W. Summers Memorial Highway."

SS HJR 53 -- VOTER IDENTIFICATION

Upon voter approval, this constitutional amendment specifies that a person seeking to vote in a public election may be required by general law to identify himself or herself and verify his or her qualifications as a United States citizen and a Missouri resident by providing election officials with a form of identification that may include requiring valid government-issued photo identification. Exceptions to the identification requirement may also be provided for by general law.

## CCS#2 HCS SS SCS SB 572 -- MUNICIPALITIES

### MINIMUM STANDARDS FOR MUNICIPALITIES (Section 67.287, RSMo)

Currently, every municipality located within St. Louis County must provide certain municipal and financial services and reports. This bill modifies the list of services that municipalities must offer. The annual audit by a certified public accountant of the municipality's finances that includes a report on internal controls to prevent misuse of funds no longer has to be prepared by a qualified financial consultant. Furthermore, a municipality only has to have an accredited police department by 2021 if the municipality has a police department or contracts with another police department for public safety services. Currently, each municipality also must have its construction code reviewed by 2018. This bill specifies that a municipality is not required to adopt an updated construction code.

### NUISANCE ABATEMENT ORDINANCES (Sections 67.398 and 67.451)

Currently, certain cities and counties may enact an ordinance to provide for abatement of nuisances, and the ordinance may provide that if the nuisance is not removed or abated then the building commissioner or designated officer may remove or abate the nuisance. This bill provides that the ordinance must provide to the owner of the property a written notice which describes the condition of the lot, what action will remedy the nuisance, and provides not less than 10 days to abate or commence removal of each condition identified in the notice. If the property owner does not occupy the property, then the notice must be given to any occupant. A city may recover the costs for enforcing the nuisance abatement ordinance by including the fines in the annual real estate tax bill for the property. Any costs and fines not paid by December 31st of that year will be considered delinquent.

### LIABILITY FOR DEBTS OF A MUNICIPALITY (Section 71.980)

The bill specifies that the state is not liable for the debts of a municipality that is financially insolvent.

### DISINCORPORATION PROCEDURES (Sections 77.700, 77.703, 77.706, 77.709, 77.712, 77.715, 79.490, 80.570, 82.133, 82.136, 82.139, 82.142, 82.145, and 82.148)

The bill establishes disincorporation procedures for third class cities, charter cities, and home rule cities. Upon receiving a petition signed by 25% of the voters of the city, the county governing body is required to order an election upon the question of disincorporation of the city. The county governing body must disincorporate the city upon an affirmative vote of a majority of those voting. Whenever the county governing body dissolves a city then the county governing body must appoint a person to act as trustee for the corporation who must take an oath and give bond with sufficient security. The trustee has certain powers as designated in the bill, such as the power to prosecute and

defend the corporation in a law suit, collect money due, and sell property.

The bill decreases the number of signatures required on a petition to disincorporate a fourth class city or a town or village from 50% to 25% of voters, and further decreases the voter approval percentage for disincorporation from 60% of those voting to a majority.

#### MUNICIPAL JUDGES (Section 479.020)

The bill specifies that no municipal court judge can serve as a municipal court judge in more than five municipalities at one time.

#### MUNICIPAL COURTS (Sections 479.350, 479.353, 479.359, 479.360, and 479.368)

The bill changes the definition of court costs to include any certified costs, but excludes fines added to the annual real estate tax bill or a special tax bill of a property owner for the cost of nuisance abatement and removal. The definition of a minor traffic violation is modified to include traffic ordinance violations for which no points are assessed to a driver's driving record and amended charges for any minor traffic violation and adds a definition for municipal ordinance violations.

The maximum allowable fine for minor traffic violations is lowered from \$300 to \$225. For municipal ordinance violations committed within a 12 month period beginning with the first violation: the maximum allowable fine is \$200 for the first offense, \$250 for the second offense, \$350 for the third offense, and \$450 for the fourth and subsequent offenses. No court costs can be charged to defendants found to be indigent. Municipal courts are also required to not charge defendants for costs associated with community service alternatives.

Municipal ordinance violations and amended charges for municipal ordinance violations are added to the calculation limiting the percentage of annual general operating revenue that can come from fines and court costs for minor violations and to provisions regarding fines, imprisonment, and court costs in municipal court cases. Municipal ordinance violations are also added to municipal disincorporation provisions if a municipality fails to remit excess annual general operating revenue to the Department of Revenue for the County School Fund and the disincorporation threshold has been lowered from 60% to a majority of participating voters.

#### CCS HCS SCS SB 578 -- JUDICIAL PROCEEDINGS

The bill allows the presiding judge of any circuit containing a diagnostic and reception center operated by the Department of Corrections and a mental health facility operated by the Department of Mental Health which houses certain persons specified in the act to appoint a circuit court marshal.

This bill provides that when an annual judicial performance report indicates for three consecutive years that a judicial circuit is in need of two or more full-time judicial positions then, subject to appropriations, there shall be one additional circuit judge position authorized in that circuit.

This bill also adds a circuit court judge to the Twenty-Sixth Judicial Circuit. The judge shall be elected in 2020, and until such time the Governor shall appoint someone to serve as judge.

The bill allows a person to exempt firearms, firearm accessories and ammunition, not to exceed \$1,500, from attachment in bankruptcy proceedings.

This bill establishes the Missouri Commercial Receivership Act. The bill grants the court authority to appoint a receiver whenever the court deems necessary. A receiver shall have the duty to keep and preserve any money deposited with the court, and any property and business or business interests entrusted to the receiver pending any legal or equitable action concerning such money, property, or business interest. The appointment of a receiver may be sought as an independent claim and remedy, and does not need to be in addition to another legal claim. A debtor and all parties to the action shall receive seven days' notice of any application for the appointment of a receiver. Notice shall also be given to all other parties in interest.

When a receiver is appointed in a foreign jurisdiction with respect to the debtor's property the court shall appoint, upon application by the receiver or any party to the foreign action, the same person acting as receiver for the property in this state. Following the appointment, the court shall give effect to orders or judgments of the court in the foreign jurisdiction affecting the property in this state unless to do so would be manifestly unjust or inequitable.

The order appointing a receiver must describe the property by category, individual items, or both if the receiver is to take charge of less than substantially all of the debtor's property. The receiver will be deemed a general receiver with authority to take charge over all of the debtor's property unless expressly stated otherwise in the order.

According to the bill, a receiver is either a general receiver or a limited receiver depending on how much possession and control over the debtor's property the court grants the receiver.

Within 10 business days of the appointment of a receiver or the conversion of a limited receiver to a general receiver, the receiver shall give notice of the appointment or conversion to all interested parties including the Secretary of State or the state and federal taxing authorities. The bill provides the content of such notice and states that the notice must be sent by first class mail. Additionally, a general receiver must publish notice of the receivership in a newspaper of general circulation in the county in which estate property is located once a week for three weeks. A debtor must cooperate with all reasonable

requests for information by the receiver in order to assist in satisfying the notice requirements.

Any person may serve as a receiver unless the person has been found guilty of a felony, is party to the action, is related to the debtor or is a partner, director, attorney, employee, or creditor of the debtor, has an interest materially adverse to the interests of persons affected by the receivership, or is a sheriff of any county. A receiver must execute a bond with one or more sureties approved by the court and in an amount specified by the court.

As of the time of appointment, a receiver has the same powers and priority as a creditor that obtained a judicial lien on all of the debtor's property that is subject to the receivership, but must satisfy real property recording requirements as established in the bill.

The court has exclusive authority over the receiver, and exclusive possession and control of all real property and all tangible and intangible personal property in which the receiver has been appointed to keep and preserve. The court also has exclusive authority to determine all controversies relating to the collection, preservation, application and distribution of all property, and all claims against the receiver arising out of the exercise of the receiver's performance of duties.

The bill specifies the powers and authority of a receiver which include paying expenses incidental to the preservation and use of estate property, performing all duties associated with operating a business in the ordinary course of operation, intervening in any action in which a claim is asserted against the debtor, seeking advice from the court about a course of action, and obtaining appraisals of estate property. Additional powers may be granted to the receiver by statute, court rule, or by the court.

A receiver may demand that a person turn over any estate property that is within the possession or control of that person. A receiver may seek to compel turnover of estate property, and unless a bona fide dispute over the receiver's right to possession of the estate property exists, failure to relinquish possession of the property is punishable as contempt.

A debtor must make available for inspection by a general receiver all information and data as established by the bill, and must cooperate fully with the receiver in the administration of the estate and discharge of the receiver's duties. After the appointment of a general receiver, the debtor must file with the court and submit to the receiver certain information including a list of all known creditors and a true list of all estate property.

A general receiver must file with the court a monthly report of the receiver's operations and financial affairs, and a limited receiver shall file all reports as the court requires.

The order of appointing a general receiver shall operate as a stay of certain actions as specified in the bill, but shall not operate as a stay of criminal proceedings against the debtor; actions establishing paternity, or actions modifying or enforcing alimony, maintenance or

support orders; any act to perfect or to maintain the perfection of an interest in estate property; an action by a governmental unit to enforce its police or regulatory power; the enforcement of a judgment obtained in an action by a governmental unit to enforce its police or regulatory power; the exercise of a right of setoff; or any action pending in another court.

A utility providing service to estate property must provide fifteen days notice, or notice as required by the Public Service Commission for a customer of that class, before altering or discontinuing service to the estate property. Additionally, the court may prohibit the alteration or cessation of utility service if the receiver can furnish adequate assurance of payment for service. Any utility regulated by the Public Service Commission which does not provide notice or comply with the court's order is subject to the appropriate remedial measures by the commission. A receiver may bring an action to enforce compliance with this bill against any utility not regulated by the Public Service Commission which does not provide notice or comply with the court's order.

A receiver may assume or reject any executory contract or unexpired lease of the debtor upon order of the court following notice and a hearing. Any obligation or liability incurred by a general receiver on account of the receiver's assumption of the executory contract or unexpired lease shall be treated as an expense of the receivership, and rejection of a contract or lease is to be treated as a breach of contract or lease occurring immediately prior to the receiver's appointment.

If a receiver is authorized to operate the debtor's business or manage the debtor's property, the receiver may obtain unsecured credit and incur unsecured debt in the ordinary course of business as an administrative expense. The receiver may obtain credit or incur debt other than in the ordinary course of business with the authorization of the court and following notice and a hearing.

The bill grants a receiver the right to sue and be sued without leave of court in all circumstances necessary for the receivership. A judgment against a general receiver or the debtor is not a lien on estate property and no executions shall be issued on such property.

A receiver and the agents, attorneys, and employees of the receivership shall have judicial immunity for acts and omissions committed in connection with official duties on behalf of the court and within the scope of the appointment. A person may bring an action against a receiver or the agents, attorneys, and employees of the receivership only after filing an application with the court and the court granting such application after notice and hearing.

With the court's approval, the receiver may employ attorneys, accountants, appraisers, auctioneers, or other professionals to assist the receiver. The receiver and any professionals employed must maintain itemized billing records.

Creditors and parties of interest and other persons submitting written claims in the receivership are bound by the acts of the receiver and



court orders relating to the receivership regardless of whether the person is a party to the receivership action. The receiver shall maintain a master mailing list of all parties and parties in interest that file and serve a notice of appearance in the receivership. All persons on the master list must be given 30 days notice prior to certain hearings and other proceedings specified in the bill.

Certain claims shall be in the form as required by the bill, served on the receiver, and filed with the court. The claims administration process shall be administered by a general receiver and may be administered by a limited receiver when ordered by the court.

Prior to the entry of an order approving the general receiver's final report, the receiver or any party in interest may file with the court an objection to a claim. A copy of the objection shall be mailed to the creditor who has 30 days to file with the court suggestions in support of the claim. The bill establishes the order of priority on a pro rata basis for the distribution of claims not disallowed by the court.

The court shall remove or replace the receiver if the receiver fails to perform the duties prescribed under the bill or ordered by the court.

Upon distribution of all property of the estate or completion of the receiver's duties, the receiver shall file a motion with the court to be discharged. The receiver's final report and accounting which includes all receipts and disbursements of the estate shall be included in the petition for discharge and filed with the court.

The bill specifies that firearms, firearm accessories, and ammunition, not to exceed \$1,500 in aggregate value, are exempt from attachment and execution in bankruptcy.

#### SB 579 -- HEALTH CARE

This bill changes the law regarding the provision of health care.

#### TELEHEALTH SCOPE OF PRACTICE (Sections 191.1145 and 191.1146, RSMo)

The bill defines telehealth and authorizes any Missouri licensed health care provider to provide telehealth services within his or her scope of practice with the same standard of care as services provided in person. These provisions must not apply to informal consultation by a provider licensed in another state, emergency care provided by a provider licensed in another state, and episodic consultation by a provider licensed in another state. The bill prohibits an originating site from being required to maintain immediate staff except in certain circumstances and so long as the standard of care is met.

Physicians practicing telehealth must ensure a properly established physician-patient relationship exists with the patient receiving telemedicine services. The bill delineates how a physician may establish

a physician-patient relationship, including through the use of telemedicine.

#### INFECTION REPORTING (Sections 192.020 and 192.667)

The bill requires the Department of Health and Senior Services to include carbapenem-resistant enterobacteriaceae (CRE) in its list of communicable or infectious diseases which must be reported to the department.

Currently, the department is required to disseminate reports to the public based on data compiled showing infection incidence rates for certain infections for hospitals and ambulatory surgical centers. The bill adds other infections to be reported, including: hospital and ambulatory surgical center procedure infections that meet certain requirements, central line-related bloodstream infections, health care-associated infections specified by the Centers for Medicare and Medicaid Services (CMS), and other categories of infections established by the department. The department must make the reports available to the public for at least two years.

The bill requires the Infection Control Advisory Panel to make recommendations to the department regarding CMS' reporting requirements by January 1, 2017. The panel recommendations must address which hospitals must be required, as a condition of licensure, to use specified national networks for data collection, risk analysis and adjustment, or public reporting of infection data. After considering the panel's recommendations, the department must implement guidelines from the Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor. As a condition of licensure, those hospitals that meet the minimum public reporting requirements must participate in the National Healthcare Safety Network program. Those hospitals must permit the program to disclose facility-specific data. Those facilities not participating in the program must submit facility-specific data to the department as a condition of licensure.

The bill also provides that no later than August 28, 2017, each hospital and ambulatory surgical center, excluding mental health facilities, must establish an antibiotic stewardship program for evaluating the judicious use of antibiotics, especially antibiotics that are the last line of defense against resistant infections. The stewardship program procedures must be made available to the department upon inspection. Hospitals must meet specified national standards for reporting antimicrobial usage or resistance and must authorize the National HealthCare Safety Network, or its successor, to disclose to the department facility-specific reported data. The data must not be disclosed to the public except under specific circumstances. Beginning January 1, 2018, and every year thereafter, the department must report to the General Assembly on the incidence, type, and distribution of antimicrobial-resistant infections in the state.

#### TELEHEALTH STORE-AND-FORWARD TECHNOLOGY (Sections 208.671 and 208.673)

The bill changes the laws regarding the use of store-and-forward technology in the practice of telehealth services for MO HealthNet recipients. The bill defines "asynchronous store-and-forward" as the

transfer of a participant's clinically important digital samples, such as still images, videos, audio, and text files, and relevant data from an originating site through the use of a camera or similar recording device that stores digital samples that are forwarded via telecommunication to a distant site for consultation by a consulting provider without requiring the simultaneous presence of the participant and the patient's treating provider. The bill requires the Department of Social Services, in consultation with the departments of Mental Health and Health and Senior Services, to promulgate rules governing the use of asynchronous store-and-forward technology in the practice of telehealth in MO HealthNet. The rules must address asynchronous store-and-forward usage issues as specified in the bill.

Telehealth providers using asynchronous store-and-forward technology must obtain the participant's consent before asynchronous store-and-forward services are initiated and to ensure confidentiality of medical information. Asynchronous store-and-forward technology in the practice of telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. The total payment for both the treating provider and the consulting provider must not exceed the payment for a face-to-face consultation of the same level. The standard of care for the use of asynchronous store-and-forward technology in the practice of telehealth must be the same as the standard of care for face-to-face care.

The bill establishes the Telehealth Services Advisory Committee to advise the Department of Social Services and propose rules regarding the coverage of telehealth services utilizing asynchronous store-and-forward technology. The committee must be comprised as specified in the bill and must serve terms as delineated in the bill.

#### TELEHEALTH PROVIDERS AND ORIGINATION SITES (Sections 208.675 and 208.677)

The bill requires specified individuals who are licensed in Missouri to be considered eligible health care providers for the provision of telehealth services in the MO HealthNet Program. The bill defines "originating site" as a telehealth site where the MO HealthNet participant receiving the telehealth service is located for the encounter. Originating sites are specified in the bill.

If the originating site is a school, the school must obtain permission from the parent or guardian of any student receiving telehealth services prior to each provision of service.

#### HOME TELEMONITORING SERVICE (Section 208.686)

Subject to appropriations, the Department of Social Services must establish a statewide program that permits reimbursement under the MO HealthNet Program for home telemonitoring services. The bill defines "home telemonitoring service" as a health care service that requires scheduled remote monitoring of data related to a participant's health and transmission of the data to a health call center accredited by the Utilization Review Accreditation Commission. The program must:

(1) Provide that home telemonitoring services are available only to individuals who are diagnosed with conditions specified in the bill and who exhibit two or more of specified risk factors;

(2) Ensure that clinical information gathered by a home health agency or hospital while providing home telemonitoring services is shared with the participant's physician; and

(3) Ensure that the program does not duplicate any disease management program services provided by MO HealthNet.

If, after implementation, the department determines that the program established under these provisions is not cost effective, the department may discontinue the program and stop providing reimbursement under the MO HealthNet Program. The department must determine whether the provision of home telemonitoring services to individuals who are eligible to receive benefits under both the MO HealthNet and Medicare programs achieves cost savings for the Medicare Program.

If, before implementing any of these provisions, the department determines that a waiver or authorization from a federal agency is necessary for implementation, it must request the waiver or authorization and may delay implementation until the waiver or authorization is granted.

#### TELEHEALTH PRESCRIPTIONS (Section 334.108)

The bill adds telemedicine prescriptions to current provisions requiring physicians issuing Internet prescriptions to establish a valid physician-patient relationship and specifies what the relationship must include. The bill adds assistant physicians to the list of physician designees who may establish a physician-patient relationship. The bill prohibits a health care provider, physician or his or her delegate, on-call physician, or advanced practice registered nurse from prescribing a drug, controlled substance, or other treatment to a patient based solely on an evaluation over the telephone unless a previously established and ongoing valid physician-patient relationship exists and prohibits a health care provider from prescribing based solely on an Internet request or an Internet questionnaire.

The bill has an emergency clause for certain provisions.

#### SCS SB 585 -- JUDICIAL CIRCUITS

Currently, the 38th Judicial Circuit consists of Christian and Taney counties. Beginning January 1, 2017, this bill divides the current 38th Judicial Circuit into two circuits. Christian County will remain the 38th Judicial Circuit and Taney County will be in the newly created 46th Judicial Circuit. The 46th Judicial Circuit judge must be elected in 2016 for a two-year term.

The bill specifies that any juvenile court employee in a single county circuit that changes from a multi-county circuit on or after August 28,

2016 who receives all salary from the state, shall be a state employee and receive state-provided benefits while employed in that circuit.

The bill contains an emergency clause.

#### SCS SBs 586 & 651 -- SCHOOL FUNDING & EARLY CHILDHOOD

(Vetoed by the Governor -- Overridden by the General Assembly)

##### SCHOOL FUNDING (Section 163.011, RSMo)

This bill modifies the definition of "current operating expenditures" by removing the 2010 expiration date on the 5% per calculation cap on the growth of current operating expenditures.

The bill also modifies the definition of "state adequacy target." The recalculation of the state adequacy target will never result in a decrease from the state adequacy target as calculated for fiscal years 2017 and 2018 and any state adequacy target figure calculated subsequent to fiscal year 2018.

##### EARLY CHILDHOOD EDUCATION (Section 163.018)

The bill clarifies that charter schools will receive early childhood education funding at the same time as the district in which the charter school is located.

#### HCS SCS SBs 588, 603 & 942 -- EXPUNGEMENT

Currently, a \$100 surcharge is required to be paid for petitions for expungement of criminal records. This bill raises the amount of the surcharge to \$250 and provides that the judge may waive the surcharge if the petitioner is indigent.

Currently, a person may petition the court in which the person was found guilty for the expungement of records relating to a list of specified offenses. A person may file multiple petitions throughout the state and have multiple offenses expunged, but may only file one petition per circuit court. This bill repeals the limitation on the number of petitions per circuit court, allows a person who was arrested but not sentenced to apply for expungement, and allows a person to petition, over the course of a lifetime, for the expungement of records for any number of infractions, no more than two misdemeanor offenses or ordinance violations that carry jail time, and no more than one felony offense. If the violations or offenses were charged at the same time or involve the same course of conduct, the person may include all the related offenses or violations in the same petition and it only counts as a petition for one offense or violation. This bill lists certain crimes and ordinance violations that may not be expunged.

Currently, a person is required to wait 20 years for a felony and 10 years for a misdemeanor before being eligible to file an expungement petition. This bill allows a person to file a petition after three years for the expungement of records relating to a finding of guilt for a misdemeanor, ordinance violation, or infraction, or an arrest for any type of offense or violation. A petition to expunge a finding of guilt for a felony may be filed seven years after completion of the sentence.

This bill modifies the information that must be on the petition and repeals a provision of current law requiring the court to dismiss a petition if all the required information is not included.

This bill requires the court to create a form for pro se petitioners seeking expungement.

This bill requires the court to provide notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offense listed in the petition.

Currently, entities possessing records relating to an expunged offense must destroy the records. This bill provides that the entities must close, not destroy, the records.

This bill is effective January 1, 2018.

#### HCS SS#2 SCS SB 590 -- FIRST DEGREE MURDER

Currently, offenders who were under the age of 18 at the time they committed first degree murder must be sentenced to life imprisonment without eligibility for probation, parole, or conditional release. In June 2012, the U.S. Supreme Court in *Miller v. Alabama* held that mandatory life sentences without parole for juvenile criminal offenders are unconstitutional. As a result, there is no punishment for first degree murder under current law in Missouri that is enforceable against those who committed murder before they turned 18.

This bill repeals the mandatory life sentence found to be unconstitutional in *Miller v. Alabama*.

This bill specifies that any person sentenced to a term of imprisonment for life without eligibility for parole before August 28, 2016, who was under 18 years of age at the time of the commission of the offense or offenses, may submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving 25 years of incarceration on the sentence of life without parole.

Any person found guilty of murder in the first degree who was sentenced on or after August 28, 2016, to a term of life imprisonment with eligibility for parole or a term of imprisonment of not less than 30 years and not to exceed 40 years, who was under 18 years of age at the time of the commission of the offense or offenses may submit to the

parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving 25 years of incarceration, and a subsequent petition after serving 35 years of incarceration.

A copy of the petition must be served on the office of the prosecutor in the judicial circuit of original jurisdiction. The petition must include the person's statement that he or she was under 18 years of age at the time of the offense, is eligible to petition for a sentence review, and requests that his or her sentence be reviewed. If any of the required information is missing from the petition, or if proof of service on the prosecuting or circuit attorney is not provided, the parole board must return the petition to the person and advise him or her that the matter cannot be considered without the missing information.

The parole board is required to hold a hearing and determine if the defendant must be granted parole. At the hearing, the victim or victim's family members retain their rights under Section 595.209, RSMo. The board must consider certain specified factors at the review hearing.

A person found guilty of murder in the first degree who was under the age of 18 at the time of the commission of the offense must be sentenced to a term of life without eligibility for probation or parole, life imprisonment with eligibility for parole, or to a term of imprisonment not less than 30 years and not to exceed 40 years. When assessing punishment in all first degree murder cases in which the defendant was under the age of 18 at the time of the commission of the offense or offenses, the judge in a jury-waived trial shall consider certain specified factors.

The bill specifies that if the state intends to seek a sentence of life without eligibility for probation or parole for a person charged with murder in the first degree who was under the age of 18 at the time of the commission of the offense, the state must file with the court and serve upon the person a written notice of intent to seek life without eligibility for probation or parole. This notice must be provided within 120 days of the person's arraignment upon an indictment or information charging the person with murder in the first degree. For good cause shown, the court may extend the period for service and filing of the notice. Any notice of intent to seek life without eligibility for probation or parole must include a listing of the statutory aggravating circumstances upon which the state will rely in seeking that sentence.

Where the state files a notice of intent to seek life without eligibility for probation or parole, the defendant is entitled to an additional 60 days for the purpose of filing new motions or supplementing pending motions. A notice of intent to seek life without eligibility for probation or parole may be withdrawn at any time by a written notice of withdrawal filed with the court and served upon the defendant. Once withdrawn, the notice of intent to seek life without eligibility for probation or parole cannot be refiled.

After the state has filed a proper notice of intent to seek life without eligibility for probation or parole, the trial must proceed in two stages

before the same trier. At the first stage the trier will decide only whether the person is guilty or not guilty of any submitted offense and the issue of punishment must not be submitted to the trier at the first stage. If the trier at the first stage of the trial finds the person guilty of murder in the first degree, a second stage of the trial must proceed at which the only issue will be the punishment to be assessed and declared.

A person found guilty of murder in the first degree who was under the age of 18 at the time of the commission of the offense is eligible for a sentence of life without eligibility for probation or parole only if a unanimous jury, or a judge in a jury-waived sentencing, finds beyond a reasonable doubt that the victim received physical injuries personally inflicted by the defendant and the physical injuries inflicted by the defendant caused the death of the victim, the defendant was found guilty of first degree murder, and at least one of the specified aggravating factors was present.

This bill repeals obsolete provisions stating that certain trials are to proceed in a single stage.

This bill contains an emergency clause for the provisions regarding the penalty for first degree murder.

SB 591 -- EXPERT WITNESSES (Parson) (Corlew)

COMMITTEE OF ORIGIN: Civil and Criminal Proceedings

This bill specifies that a witness who is qualified as an expert may testify in the form of an opinion or otherwise if the expert's specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue, the testimony is based on sufficient facts or data, the testimony is the product of reliable principles and methods, and the expert has reliably applied the principles and methods to the facts of the case.

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, such facts or data need not be admissible for the opinion to be admitted. However, if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

An expert opinion is not objectionable just because it embraces an ultimate issue. In a criminal case, an expert witness must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense.



Unless the court orders otherwise, an expert may state an opinion and give the reasons for it without first testifying to the underlying facts or data. However, the expert may be required to disclose those facts or data on cross-examination.

A landowner is competent to testify as to the reasonable market value of his or her land, in accordance with case law specified in the bill.

#### CCS HCS SB 607 -- PUBLIC ASSISTANCE PROGRAMS

This bill requires the Department of Social Services, by January 1, 2017, to contract with a private vendor to verify that eligibility requirements are being met by recipients of public assistance, including Supplemental Nutrition Assistance Program (SNAP); Temporary Assistance for Needy Families (TANF); Child Care Assistance; and MO HealthNet. The department will retain final determination of eligibility. The department and the contractor are required to file an annual report with the Governor and the General Assembly regarding the eligibility data.

Beginning July 1, 2016, and subject to appropriations, the bill requires the MO HealthNet Division within the Department of Social Services to reimburse eligible providers, including psychologists of behavioral, social, and psychophysiological services, including psychologists for the prevention, treatment, or management of physical health problems. A provider must be reimbursed utilizing the specified behavior assessment and intervention reimbursement codes or their successor codes under the Current Procedural Terminology coding system maintained by the American Medical Association.

The bill modifies the Joint Committee on MO HealthNet to create a permanent Joint Committee on Public Assistance to study, monitor, and review the efficacy of public assistance programs within the state, determine the level and adequacy of resources needed for the programs, and develop recommendations on the public assistance programs and on promoting independence from safety net programs among recipients as may be appropriate. The committee must receive and obtain information from the departments of Social Services, Mental Health, Health and Senior Services, Elementary and Secondary Education, and any other department as applicable, regarding specified information. The directors of the departments of Social Services, Mental Health, and Health and Senior Services must each submit an annual written report providing data and statistical information regarding the caseloads of such department's employees involved in the administration of public assistance programs.

The committee must meet at least twice a year and a portion of the meeting must be set aside for public testimony. The committee is authorized to hire staff and enter into employment contracts to conduct special reviews or investigations of the state's public assistance programs. The committee must conduct an annual rolling five-year forecast of the state's public assistance programs and make recommendations to the General Assembly.

The bill permits an eligible provider to receive MO HealthNet supplemental reimbursement to the extent provided by law in addition to the rate of payment that the provider would otherwise receive for Medicaid ground emergency medical transportation services. A provider must be eligible for Medicaid supplemental reimbursement if the provider meets specified characteristics during the state reporting period and an eligible provider's Medicaid supplemental reimbursement must be calculated and paid as specified in the bill. An eligible provider, as a condition of receiving supplemental reimbursement, must enter into and maintain an agreement with the designee of the Department of Social Services for the purposes of implementing the provisions of the bill and reimbursing the department for the costs of administering these provisions. The non-federal share of the supplemental reimbursement submitted to the Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation must be paid and certified as specified in the bill.

The bill delineates the process for when an applicable governmental entity elects to seek supplemental reimbursement on behalf of an eligible provider owned or operated by, or contracted with the entity.

The bill authorizes the department to seek any necessary federal approvals for the implementation of the provisions of the bill and permits the department to limit the program to those costs that are allowable expenditures under Title XIX of the Social Security Act.

The bill authorizes the department to design and implement in consultation and coordination with eligible providers an intergovernmental transfer program relating to ground emergency medical transport services, including specified services, in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers. A provider is eligible for increased reimbursement under this section only if the provider meets certain conditions in an applicable state fiscal year. To the extent intergovernmental transfers are voluntarily made by and accepted from an eligible provider or a governmental entity affiliated with an eligible provider, the department must make increased capitation payments, as specified in the bill, to applicable MO HealthNet managed care plans and coordinated care organizations for covered ground emergency medical transportation services.

The intergovernmental transfer program must be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible provider, or the governmental entity with which it is affiliated, are provided for this purpose. The department must implement the intergovernmental transfer program and increased capitation payments on a retroactive basis as permitted by federal law. Participation in the intergovernmental transfers is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

The bill specifies conditions of participation for MO HealthNet managed care plans, coordinated care organizations, eligible providers, and governmental entities affiliated with eligible providers. The provisions of the bill must be implemented only if and to the extent federal

financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained. To the extent that the director of the department determines that the payments made under the provisions of the bill do not comply with federal Medicaid requirements, the director retains the discretion to return or not accept an intergovernmental transfer, and may adjust payments as necessary to comply with federal Medicaid requirements.

The bill also repeals a section of law relating to a rolling five-year MO HealthNet forecast conducted by the Legislative Budget Office.

#### CCS#2 HCS SS SB 608 -- HEALTH CARE

##### MENINGOCOCCAL MENINGITIS (Sections 167.638 and 174.335, RSMo)

The bill requires the Department of Health and Senior Services to develop a brochure that includes information on all meningococcal vaccines receiving a Category A or B recommendation from the Advisory Committee on Immunization Practices and a recommendation that the current student or entering student receive meningococcal vaccines in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention guidelines.

Currently, all public institutions of higher education, beginning with the 2004-05 school year, require all students who live on campus to have received the meningococcal vaccine no more than five years prior to enrollment and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention unless the student has a signed statement of medical or religious exemption in his or her file. This bill includes sorority and fraternity residences as on campus living.

##### HEALTH CARE COST REDUCTION AND TRANSPARENCY ACT (Section 191.875)

This bill establishes the Health Care Cost Reduction and Transparency Act that requires each health care provider licensed in Missouri to make available to the public and on its Internet website the most current price information required under these provisions in a manner that is easily understood by the public.

Beginning July 1, 2018, ambulatory surgical centers and imaging centers must provide an estimate of the current direct payment price information for the 25 most common reported health care services or procedures or 20 of the most common imaging procedures.

Beginning July 1, 2017, the bill requires hospitals to provide the amount that would be charged without discounts for each of the 100 most prevalent diagnosis-related groups as defined by the Medicare program.

Upon written request of a patient for the direct payment cost of a particular health care service or procedure, imaging procedure, or surgery procedure reported under these provisions, a health care provider or facility must provide the information to the patient in writing,

either electronically or by mail, within three business days after receiving the request. Posting of such charges on the health care provider's or facility's website will constitute compliance with these provisions. It shall be a condition of participation in the MO HealthNet program for health care providers located in a Kansas border county to comply with these provisions. If such provider does not comply then a health care provider shall not include any provider located in a Missouri border county.

#### PALLIATIVE CARE (Sections 191.1075, 191.1080, and 191.1085)

The bill creates the "Missouri Palliative Care and Quality of Life Interdisciplinary Council," to consult with and advise the Department of Health and Senior Services on matters related to the establishment, maintenance, operation, and outcomes evaluation of palliative care initiatives in the state, as well as submit an annual report to the General Assembly assessing the availability of palliative care in the state for patients at early stages of serious disease and analyzing barriers with greater access to palliative care. The bill also creates the "Palliative Care Consumer and Professional Information and Education Program," which must be designed to maximize the effectiveness of palliative care in the state by ensuring the public availability of comprehensive and accurate information about palliative care. The program is required to encourage hospitals to have a palliative care presence on their Intranet or Internet website and to develop and distribute information about palliative care to patients.

These provisions of this bill expire on August 28, 2022.

The bill establishes this state as a member of a compact to facilitate the interstate practice of physical therapy. The primary purpose of the compact is to preserve the regulatory authority of states to protect public health and safety through the current system of state licensure. The compact will become effective after it has been approved by 10 member states. The bill outlines specific requirements that a state must complete in order to participate in the compact and that a licensee must adhere to in order to exercise privileges thereunder.

The bill adds services rendered by licensed occupational therapists to services that cannot require a higher co-payment or coinsurance than is required for the services of a primary care physician office visit. The bill requires health carriers to clearly state the availability of occupational therapy services and requires the Oversight Division of the Joint Committee on Legislative Research to perform an actuarial analysis of the cost impact health carriers, insureds, and other payers for occupational therapy coverage beginning September 1, 2016, and submit a report by December 31, 2016.

#### CERTIFICATE OF NEED (Section 197.315)

Currently, facilities operated by the state are not required to obtain a certificate of need, appropriation of funds to such facilities by the General Assembly are deemed in compliance with certificate of need provisions, and such facilities are deemed to have received an

appropriate certificate of need without payment of any fee or charge. The bill requires hospitals operated by the state and licensed under Chapter 197, to obtain a certificate of need and comply with the other provisions of certificate of need except for Department of Mental Health state-operated psychiatric hospitals. Certain types of equipment can still be purchased without a certificate of need.

#### VACCINATIONS (Section 198.054)

Between October 1 and March 1 of each year, all licensed long-term care facilities must assist their employees, volunteers, and health care workers to obtain a vaccination for the influenza virus by either offering the vaccination at the facility or by providing information as to how to independently obtain it.

#### MO HEALTHNET COPAYMENTS (Section 208.142)

Beginning October 1, 2016, the Department of Social Services shall require MO HealthNet participants to pay an \$8 co-payment fee for use of a hospital emergency department for the treatment of a condition that is not an emergency medical condition.

The bill permits the Department of Social Services to utilize best clinical practices to achieve cost efficacy when administering the MO HealthNet pharmacy program.

#### MO HEALTHNET MISSED APPOINTMENT FEES (Section 208.148)

This provision permits fee-for-service MO HealthNet health care providers, to the extent permitted by laws pertaining to the termination of patient care, to charge a missed appointment fee to MO HealthNet participants that such participants must pay before scheduling another appointment with that provider. The fee may be charged for missed appointments or for failing to cancel an appointment within 24 hours prior to the appointment. The permissible fees are as follows: No charge for the first missed appointment in a three-year period, \$5 for the second missed appointment in a three-year period, \$10 for the third missed appointment in a three-year period, and \$20 for the fourth and each subsequent missed appointment in a three-year period. Health care providers shall waive the fee in cases of inclement weather. The health care provider shall not charge to nor shall the MO HealthNet participant be reimbursed by the MO HealthNet program for the missed appointment fee.

#### MO HEALTHNET REIMBURSEMENT (Section 208.152)

Beginning July 1, 2016, and subject to appropriations, the bill requires the MO HealthNet Division within the Department of Social Services to reimburse eligible providers, including psychologists of behavioral, social, and psychophysiological services, including psychologists for the prevention, treatment, or management of physical health problems. A provider must be reimbursed utilizing the specified behavior assessment and intervention reimbursement codes or their successor codes under the Current Procedural Terminology coding system maintained by the American Medical Association.

#### JOINT COMMITTEE ON PUBLIC ASSISTANCE (208.952)

This bill modifies the Joint Committee on MO HealthNet to create a permanent Joint Committee on Public Assistance. The committee must have as its purpose the study of the efficacy of public assistance programs within the state, determine the resources needed to continue and improve the programs, and develop recommendations on how to reduce dependency and promote public assistance recipient self-sufficiency as may be appropriate. The committee must receive and obtain information from the departments of Social Services, Mental Health, Health and Senior Services, Elementary and Secondary Education, and any other department as applicable, regarding projected enrollment growth, budgetary matters, and any other information deemed relevant to the committee's purpose.

The committee must meet at least twice a year. A portion of the meeting must be set aside for public testimony. The committee is authorized to hire staff and enter into employment contracts, including an executive director, to conduct special reviews or investigations of the state's public assistance programs. The committee must also conduct an annual rolling five-year forecast of the state's public assistance programs and make recommendations to the General Assembly.

The bill also repeals a section of law relating to a rolling five-year MO HealthNet forecast conducted by the Legislative Budget Office.

#### PHYSICAL THERAPY LICENSURE COMPACT (Sections 334.1200-334.1233)

The bill establishes this state as a member of a compact to facilitate the interstate practice of physical therapy. The primary purpose of the compact is to preserve the regulatory authority of states to protect public health and safety through the current system of state licensure. The compact will become effective after it has been approved by 10 member states.

The bill outlines specific requirements that a state must complete in order to participate in the compact and that a licensee must adhere to in order to exercise privileges thereunder.

In order to facilitate and coordinate implementation and administration of the compact, the bill establishes the Physical Therapy Compact Commission. The commission shall:

- (1) Promulgate uniform rules, having the force and effect of laws, to be binding in all member states;
- (2) Be comprised of one delegate from each of the member states, to be selected by the state's licensing board;
- (3) Conduct meetings that are open to the public, except under specific circumstances;
- (4) Pay the reasonable expenses of its establishment, organization and ongoing activities; and

(5) Provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

Any member state may withdraw from the compact at any time by enacting a statute repealing the compact. Such withdrawal shall take effect six months after the enactment of the repealing statute. In addition to the voluntary removal of a member state, the commission may make a determination that a member state has defaulted in the performance of its obligations or responsibilities under the compact. If the state fails to cure the default, a majority of the member states may vote to remove the state from the compact.

#### NURSE LICENSURE COMPACT (Sections 335.360-335.415)

Codifies changes to the Nurse Licensure Compact adopted by the National Council of State Boards of Nursing on May 4, 2015.

The new Compact language must become effective and binding on the earlier of these dates:

(1) The date of legislative enactment of this Compact into law by at least 26 states; or

(2) December 31, 2018.

The bill repeals the current nurse licensure compact effective December 31, 2018 or upon the enactment of the new compact language by at least 26 states.

#### DISPENSING OF EMERGENCY SUPPLY OF MEDICATION (Section 338.200)

This bill provides that only a licensed pharmacist can make the determination to dispense an emergency supply of medication without the authorization from the prescriber.

#### MAINTENANCE MEDICATION (Section 338.202)

The bill permits a pharmacist to dispense varying quantities of maintenance medication per fill up to the total number of dosage units as authorized by the prescriber, unless the prescriber has specified that dispensing a prescription for maintenance medication in an initial amount is medically necessary. When the dispensing of the maintenance medication is based on refills then the pharmacist must dispense no more than a 90-day supply and the patient must have already been prescribed the medication for three months.

#### PRESCRIPTION DRUG COVERAGE (Section 376.379)

The bill requires health carriers or managed care plans offering health benefit plans with prescription drug coverage to offer medication synchronization services that aligns prescription refill dates. Charging

more than the normal co-payment is prohibited for quantities less than prescribed.

#### PHARMACY BENEFIT MANAGERS (Section 376.388)

Requires each contract between a pharmacy benefit manager (PBM) and a pharmacy or pharmacy's contracting representative to include sources utilized to determine maximum allowable cost and update such pricing information at least every seven days. A PBM must maintain a procedure to eliminate products from the maximum allowable cost (MAC) list of drugs or modify maximum allowable cost pricing within seven days if the drugs do not meet the standards as provided in the bill.

A PBM must reimburse pharmacies for drugs subject to maximum allowable cost pricing based upon pricing information which has been updated within seven days. A drug must not be placed on a MAC list unless there are at least two therapeutically equivalent multi-source generic drugs, or at least one generic drug available from only one manufacturer and is generally available for purchase from national or regional wholesalers.

All contracts must include a process to internally appeal, investigate, and resolve disputes regarding MAC pricing as provided in the bill. Appeals must be upheld if the pharmacy being reimbursed for the drug on the MAC list was not reimbursed according to the provisions of the bill or the drug does not meet the requirements for being placed on the MAC list.

#### OCCUPATIONAL THERAPY SERVICES (Section 376.1235)

Adds services rendered by licensed occupational therapists to services that cannot require a higher co-payment or coinsurance than is required for the services of a primary care physician office visit. The bill requires health carriers to clearly state the availability of occupational therapy services and requires the Oversight Division of the Joint Committee on Legislative Research to perform an actuarial analysis of the cost impact health carriers, insureds, and other payers for occupational therapy coverage beginning September 1, 2016, and submit a report by December 31, 2016.

#### PRESCRIPTION EYE DROP REFILLS (Section 376.1237)

Extends the termination date on provisions relating to the refilling of prescription eye drops to January 1, 2020.

#### HEALTH CARE PRICE TRANSPARENCY (Section 376.2020)

Under this bill, no contract provision between a health carrier and a health care provider shall be enforceable if such provision prohibits, conditions, or in any way restricts any party to such contract from disclosing to an enrollee, patient, or potential patient the contractual payment amount for a health care service.



This bill permits volunteer fire protection associations to apply to the State Fire Marshal for grants for the purpose of funding the workers' compensation insurance premiums for the association's volunteer firefighters. Grants shall be disbursed by the Marshal, subject to appropriations, based upon the number of volunteer firefighters which received workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year.

#### WORKERS' COMPENSATION PREMIUM RATES--SPLIT POINT

Currently, the uniform experience rating plan of workers' compensation insurance must prohibit an adjustment to the experience modification of an employer if the total medical cost does not exceed \$1,000, the employer pays all of the medical costs, there is no lost time from the employment (subject to exceptions), and no claim is filed. This bill changes the medical cost amount limit to 20% of the current split point of primary and excess losses under the uniform experience rating plan.

The bill further provides that, for purposes of calculating the premium credit under the Missouri contracting classification premium adjustment program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for the first, second, third, or fourth calendar quarter of the year prior to the workers' compensation policy beginning or renewal date, provided the employer clearly indicates for which quarter the payroll information is being submitted.

#### SCS SBs 620 & 582 -- CAREER AND TECHNICAL EDUCATION

This bill requires the State Board of Education and Career and Technical Education Advisory Council to establish minimum requirements for a career and technical education certificate (CTE) that a student can earn in addition to their high school diploma. Students entering high school in the 2017-18 school year and thereafter will be eligible for a CTE certificate.

Each local school district shall determine the curriculum, programs of study, and course offerings based on the needs and interests of the students in the district, and no later than January 1, 2017, the Department of Elementary and Secondary Education shall develop a process for recognition of a school district's CTE certificate program.

This bill also modifies the composition of the Career and Technical Education Advisory Council. Instead of the Governor appointing the Advisory Council's current 11 members, the Commissioner of Education will make these appointments. This bill also expands the Advisory Council's membership to include two senators, one from each party, appointed by the President Pro Tem of the Senate, and two representatives, one from each party, appointed by the Speaker of the House of Representatives. The four legislative members will serve on the Advisory Council until they

resign, are no longer members of the General Assembly, or are replaced by new appointments.

This bill is substantially similar to HCS SB 13 (2015).

#### SB 624 -- STEALING

SPONSOR: Libla (Crawford)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Banking by a vote of 10 to 0. Voted "Do Pass" by the Select Committee on Financial Institutions by a vote of 10 to 0.

This bill modifies provisions relating to stealing.

STEALING (Sections 570.010 & 570.030, RSMo)

This bill changes the laws regarding the crime of stealing to include the appropriating or attempted appropriation of property owned by or in the custody of a financial institution in order to deprive the owner or custodian of the property. The offense is a class B felony.

FRAUDULENT PROCUREMENT OF A CREDIT OR DEBIT DEVICE (Section 570.135)

This bill adds an element to the crime of fraudulent procurement of a credit or debit device. Under the new element, a person commits the class A misdemeanor if he or she knowingly possesses a fraudulently obtained credit or debit device.

Currently, business entities cannot be held liable for accepting fraudulent applications for credit or debit devices or using fraudulent credit or debit devices in transactions without clear and convincing evidence that the business conspired with the fraudulent procuring of the credit or debit devices. The bill specifies that such entities cannot be held criminally liable without such evidence.

This provision of the bill is effective beginning January 1, 2017.

This bill is similar to SCS HB 254 (2015) and HB 1594 (2016).

#### CCS HCS SB 625 -- HIGHWAY DESIGNATIONS

This bill designates specified state highways.

JACKSON COUNTY (Section 227.432, RSMo)

This bill designates the portion of Interstate 470 at the interchange with Wood Chapel Road continuing to Lakewood Boulevard in Jackson County shall be designated as the "Judge Vincent E. Baker Memorial Highway."

NEWTON COUNTY (Section 227.433)

This bill designates the portion of Interstate 49 from its intersection with State Highway 86 continuing north to Iris Road in Newton County as the "Special Agent Tom Crowell Memorial Highway."

CEDAR COUNTY (Section 227.445)

This bill designates the portion of State Highway 32 from Stockton Dam Road continuing west to State Highway 39/County Road 1401 within the city limits of Stockton in Cedar County shall be designated as the "Deputy Sheriff Matthew S. Chism Memorial Highway."

MONITEAU COUNTY (Section 227.446)

This bill designates the portion of U.S. Highway 50 from County Line Road continuing west to Mockingbird Road in Moniteau County as the "Phyllis D. Shelley Memorial Highway."

ST. LOUIS COUNTY (Section 227.528)

This bill designates the portion of State Highway 367 from the southern city limit of Bellefontaine Neighbors to the intersection of Interstate 270 in St. Louis County as the "Sgt. Peggy Vassallo Way."

CCS HCS SB 635 -- HEALTH CARE

MUNICIPAL HOSPITALS (Section 96.192, RSMo)

This bill allows the board of trustees of any authorized municipal hospital to invest up to 25% of the hospital's funds not required for immediate disbursement in any U.S. investment grade fixed income funds or diversified stock funds, or both. The provisions of the bill must only apply if the hospital: (1) receives less than 1% of its annual revenue from municipal, county, or state taxes; and (2) receives less than 1% of its annual revenue from appropriated funds from the municipality in which such hospital is located.

MENINGOCOCCAL MENINGITIS (Sections 167.638 and 174.335)

The bill requires the Department of Health and Senior Services to develop a brochure that includes information on all meningococcal vaccines receiving a Category A or B recommendation from the Advisory Committee on Immunization Practices and a recommendation that the current student or entering student receive meningococcal vaccines in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention guidelines.

Currently, all public institutions of higher education, beginning with the 2004-05 school year, require all students who live on campus to have received the meningococcal vaccine no more than five years prior to enrollment and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease

Control and Prevention unless the student has a signed statement of medical or religious exemption in his or her file. This bill includes sorority and fraternity residences as on campus living.

#### DYSLEXIA (Sections 167.950 and 633.420)

By December 31, 2017, the bill requires the Department of Elementary and Secondary Education to develop guidelines for the appropriate screening of students for dyslexia and related disorders and to develop the necessary classroom support for such students. Beginning in the 2018-19 school year, each public school, including charter schools, must conduct dyslexia screenings and provide reasonable classroom support consistent with the guidelines developed by the department. Practicing teacher assistance programs must include two hours of in-service training regarding dyslexia and related disorders provided by each school district for all practicing teachers and such training must count as two contact hours of professional development.

This bill creates the Legislative Task Force on Dyslexia. The Task Force will advise and make recommendations to the Governor, Joint Committee on Education, and relevant state agencies. The Task Force will consist of 20 members, as specified in the bill. Except for four legislative members and the Commissioner of Education, the members will be appointed by the President Pro Tem of the Senate and the Speaker of the House of Representatives. The task force will make recommendations for a statewide system for identification, intervention, and delivery of supports for students with dyslexia. The Task Force will hire or contract for hire specialist services to support the work of the Task Force as necessary with appropriations or from other available funding and the Task Force will terminate on August 31, 2018.

#### CPR INSTRUCTION IN SCHOOLS (Section 170.310)

Beginning in the 2017-18 school year, a student may not receive a certificate of graduation from any public or charter school unless he or she has received 30 minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the heimlich maneuver or other first aid for choking given any time during the student's four years of high school and included in the school district's existing health or physical education curriculum.

#### EMERGENCY MEDICAL TECHNICIANS (Section 190.142)

Requires initial EMT-P licensure testing to occur through the national registry of EMTs or examinations developed and administered by the Department of Health and Senior Services.

#### STROKE CENTER DESIGNATIONS (Section 190.241)

The bill provides for an alternative stroke center designation for a hospital. The Department of Health and Senior Services must designate a hospital, upon receipt of an application, as follows: (1) a level I stroke center if the hospital has been certified as a comprehensive stroke center by the Joint Commission or another certifying organization; (2) a level II stroke center if the hospital has been certified as primary stroke center by the Joint Commission or other certifying organization; or (3) a level III stroke center if the hospital has been

certified as an acute stroke-ready hospital by the Joint Commission or other certifying organization. The department must not require compliance with any additional standards for establishing or renewing stroke designations and the designation must continue as long as the hospital remains certified. The department may remove a hospital's designation if the hospital so requests or if the department determines the certification has been suspended or revoked.

Any hospital receiving this alternative designation must submit annual proof of certification and other contact information, as well as the certification survey results and other specified documents.

Hospitals designated as STEMI or stroke centers must submit data to the department for use in the evaluation and improvement of hospital and emergency medical services' trauma, stroke, and STEMI care. The hospitals must submit data to the department as described in the bill.

#### MEDICAL HELICOPTERS (Section 190.265)

This bill specifies that any rules and regulations promulgated by the Department of Health and Senior Services, or any interpretation of such rules, must not require hospitals to have a fence or other barriers around a hospital helipad. Additionally, the department is prohibited from promulgating any rules and regulations with respect to the operation or construction of a helipad located at a hospital. The bill requires hospitals to ensure that helipads are free of obstruction and safe for use by a helicopter while on the ground, during approach, and takeoff.

#### PALLIATIVE CARE (Sections 191.1075, 191.1080, and 191.1085)

The bill creates the "Missouri Palliative Care and Quality of Life Interdisciplinary Council," to consult with and advise the Department of Health and Senior Services on matters related to the establishment, maintenance, operation, and outcomes evaluation of palliative care initiatives in the state, as well as submit an annual report to the General Assembly assessing the availability of palliative care in the state for patients at early stages of serious disease and analyzing barriers with greater access to palliative care. The bill also creates the "Palliative Care Consumer and Professional Information and Education Program," which must be designed to maximize the effectiveness of palliative care in the state by ensuring the public availability of comprehensive and accurate information about palliative care. The program is required to encourage hospitals to have a palliative care presence on their Intranet or Internet website and to develop and distribute information about palliative care to patients. The provisions of this bill expire on August 28, 2022.

The bill establishes this state as a member of a compact to facilitate the interstate practice of physical therapy. The primary purpose of the compact is to preserve the regulatory authority of states to protect public health and safety through the current system of state licensure. The compact will become effective after it has been approved by 10 member states. The bill outlines specific requirements that a state must complete in order to participate in the compact and that a licensee must adhere to in order to exercise privileges thereunder.

The bill adds services rendered by licensed occupational therapists to services that cannot require a higher co-payment or coinsurance than is

required for the services of a primary care physician office visit. The bill requires health carriers to clearly state the availability of occupational therapy services and requires the Oversight Division of the Joint Committee on Legislative Research to perform an actuarial analysis of the cost impact health carriers, insureds, and other payers for occupational therapy coverage beginning September 1, 2016, and submit a report by December 31, 2016.

#### HOSPITAL EMERGENCY CARE (Section 192.737)

The Department of Health and Senior Services must use patient abstract data collected from hospital infection reporting, the trauma registry, motor vehicle crash and outcome data, and other publicly available data to provide information and create reports for the purpose of data analysis and needs assessment of traumatic brain and spinal cord-injured persons.

#### EMPLOYEE DISQUALIFICATION LIST (Sections 192.2490 and 192.2495)

Currently, the Department of Health and Senior Services must provide the employee disqualification list upon request to any person, corporation, organization, or association who employs nurses and nursing assistants. This bill changes this provision to any person, corporation, organization, or association who employs health care providers. The bill requires an applicant for a position to have contact with patients or residents of a provider to disclose if the applicant is listed on any of the background checks in the Family Care Safety Registry. A provider who is not otherwise prohibited from employing an individual listed on such background checks may deny employment to an individual listed on any of the background checks in such registry.

#### REGULATION OF HOSPITALS (Sections 197.065 and 536.031)

The bill requires the Department of Health and Senior Services to promulgate regulations for the construction and renovation of hospitals that include life safety code standards for hospitals that exclusively reflect the life safety code standards imposed by the federal Medicare program under federal laws and regulations. The bill prohibits the department from requiring a hospital to meet the standards contained in the Facility Guidelines Institute for the Design and Construction of Health Care Facilities but any hospital that complies with the 2010 or later version of such guidelines for the construction and renovation of hospitals must not be required to comply with any regulation that is inconsistent or conflicts in any way with such guidelines. The department is authorized to waive the enforcement of the standards imposed by these provisions if the department determines that compliance with those specific standards would result in unreasonable hardship for the facility and if the health and safety of hospital patients would not be compromised by the waiver or waivers.

Regulations promulgated by the department to establish and enforce hospital licensure regulations that conflict with the standards established under these provisions must lapse on and after January 1, 2018.

Hospital licensure regulations governing life safety code standards may incorporate by reference later additions or amendments to the rules, regulations, standards, or guidelines as needed to consistently apply current standards of safety and practice.

#### CERTIFICATE OF NEED (Section 197.315)

Currently, facilities operated by the state are not required to obtain a certificate of need, appropriation of funds to such facilities by the General Assembly are deemed in compliance with certificate of need provisions, and such facilities are deemed to have received an appropriate certificate of need without payment of any fee or charge. The bill requires hospitals operated by the state and licensed under Chapter 197, to obtain a certificate of need and comply with the other provisions of certificate of need except for Department of Mental Health state-operated psychiatric hospitals. Certain types of equipment can still be purchased without a certificate of need.

This provision of the bill has an emergency clause.

#### HEALTH CARE WORKFORCE ANALYSIS (Section 324.001)

The bill authorizes the State Board of Nursing, Board of Pharmacy, Missouri Dental Board, State Committee of Psychologists, State Board of Chiropractic Examiners, State Board of Optometry, Missouri Board of Occupational Therapy, or State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration to individually or collectively enter into a contractual agreement with the Department of Health and Senior Services, a public institution of higher education, or a nonprofit entity for the purpose of collecting and analyzing workforce data. Information may be obtained from each board's licensees, registrants, or permit holders for future workforce planning and to assess the accessibility and availability of qualified health care services and practitioners in Missouri. The boards must work collaboratively with other state governmental entities to ensure coordination and avoid duplication of efforts.

The boards may expend appropriated funds necessary for operational expenses of the program and each board is authorized to accept grants to fund the collection or analysis authorized in these provisions. Any funds received under these provisions must be deposited in the respective board's fund.

Data collection must be controlled and approved by the applicable state board conducting or requesting the collection. The boards may release identifying data to the contractor to facilitate data analysis of the health care workforce including, but not limited to, geographic, demographic, and practice or professional characteristics of licensees. The state board must not request or be authorized to collect income or other financial earnings data. Data collected under these provisions must be deemed the property of the state board requesting the data and must be maintained by the state board in accordance with Chapter 610, the

Open Meetings and Records Law, provided any information deemed closed or confidential must not be disclosed without consent of the applicable licensee or entity or as otherwise authorized by law. The data must only be released in an aggregate form as specified in the bill and in a manner that cannot be used to identify a specific individual or entity. Data suppression standards must be addressed and established in the contract.

A contractor must maintain the security and confidentiality of data received or collected and must not use, disclose, or release any data without approval of the applicable state board and the contract between the applicable state board and the contractor must establish a data release and research review policy.

#### PHYSICAL THERAPY LICENSURE COMPACT (Sections 334.1200-334.1233)

The bill establishes this state as a member of a compact to facilitate the interstate practice of physical therapy. The primary purpose of the compact is to preserve the regulatory authority of states to protect public health and safety through the current system of state licensure. The compact will become effective after it has been approved by 10 member states.

The bill outlines specific requirements that a state must complete in order to participate in the compact and that a licensee must adhere to in order to exercise privileges thereunder.

In order to facilitate and coordinate implementation and administration of the compact, the bill establishes the Physical Therapy Compact Commission. The commission shall:

- (1) Promulgate uniform rules, having the force and effect of laws, to be binding in all member states;
- (2) Be comprised of one delegate from each of the member states, to be selected by the state's licensing board;
- (3) Conduct meetings that are open to the public, except under specific circumstances;
- (4) Pay the reasonable expenses of its establishment, organization and ongoing activities; and
- (5) Provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

Any member state may withdraw from the compact at any time by enacting a statute repealing the compact. Such withdrawal shall take effect six months after the enactment of the repealing statute. In addition to the voluntary removal of a member state, the commission may make a determination that a member state has defaulted in the performance of its obligations or responsibilities under the compact. If the state fails to



cure the default, a majority of the member states may vote to remove the state from the compact.

#### NURSE LICENSURE COMPACT (Sections 335.360-335.415)

Codifies changes to the Nurse Licensure Compact adopted by the National Council of State Boards of Nursing on May 4, 2015.

The new Compact language must become effective and binding on the earlier of these dates:

(1) The date of legislative enactment of this Compact into law by at least 26 states; or

(2) December 31, 2018.

The bill repeals Sections 335.300-335.355. The repeal and enactment of these sections is effective December 31, 2018 or upon the enactment of the new compact language by at least 26 states.

#### DISPENSING OF EMERGENCY SUPPLY OF MEDICATION (Section 338.200)

This bill provides that only a licensed pharmacist can make the determination to dispense an emergency supply of medication without the authorization from the prescriber.

#### PHARMACY BENEFIT MANAGERS (Section 376.388)

Requires each contract between a pharmacy benefit manager (PBM) and a pharmacy or pharmacy's contracting representative to include sources utilized to determine maximum allowable cost and update such pricing information at least every seven days. A PBM must maintain a procedure to eliminate products from the maximum allowable cost (MAC) list of drugs or modify maximum allowable cost pricing within seven days if the drugs do not meet the standards as provided in the bill.

A PBM must reimburse pharmacies for drugs subject to maximum allowable cost pricing based upon pricing information which has been updated within seven days. A drug must not be placed on a MAC list unless there are at least two therapeutically equivalent multi-source generic drugs, or at least one generic drug available from only one manufacturer and is generally available for purchase from national or regional wholesalers.

All contracts must include a process to internally appeal, investigate, and resolve disputes regarding MAC pricing as provided in the bill. Appeals must be upheld if the pharmacy being reimbursed for the drug on the MAC list was not reimbursed according to the provisions of the bill or the drug does not meet the requirements for being placed on the MAC list.

#### OCCUPATIONAL THERAPY SERVICES (Section 376.1235)

Adds services rendered by licensed occupational therapists to services that cannot require a higher co-payment or coinsurance than is required

for the services of a primary care physician office visit. The bill requires health carriers to clearly state the availability of occupational therapy services and requires the Oversight Division of the Joint Committee on Legislative Research to perform an actuarial analysis of the cost impact health carriers, insureds, and other payers for occupational therapy coverage beginning September 1, 2016, and submit a report by December 31, 2016.

#### PRESCRIPTION EYE DROP REFILLS (Section 376.1237)

Extends the termination date on provisions relating to the refilling of prescription eye drops to January 1, 2020.

#### CCS SCS SB 638 -- MISSOURI CIVICS EDUCATION INITIATIVE

This bill modifies several provisions relating to elementary and secondary education and includes charter schools.

CHARTER SCHOOLS (Sections 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417, 167.131, and 167.241, RSMo)

#### ACADEMIC PERFORMANCE (Section 160.400)

This bill adds to the provisions relating to contracts between charter schools and their sponsors the requirement that performance consequences must be aligned with annual performance report evaluations of public schools.

The bill adds to the requirement that charter school sponsors develop policies and procedures for a performance contract to require charter schools to meet current state academic performance standards.

This bill specifies that when a sponsor notifies a charter school of closure, the Department of Elementary and Secondary Education (DESE) must withhold funds to assure all obligations of the charter school are met.

#### CHARTER SPONSORSHIP (Section 160.403)

This bill removes the Missouri Charter Public School Commission from the application and approval process to be eligible to sponsor a charter school.

The bill repeals the provision prohibiting an eligible sponsor that is not currently sponsoring a charter school as of August 28, 2012, from commencing charter sponsorship without approval from and a sponsor contract with the State Board of Education within the department.

#### APPLICATION AND RENEWAL PROCESS (Section 160.405)

Currently, the state board must approve a charter by December 1 of the year prior to the proposed opening date of the charter school. The bill requires the state board to approve a charter by January 31 prior to the school year of the proposed opening date of the charter school.

This bill requires the sponsor to prepare the statement of finding that the application meets statutory requirements which is currently required when a sponsor approves a charter and submits the application to the state board.

The state board is required to approve or deny a charter application within 60 days of its receipt. If the state board disapproves a charter application, it must do so in writing and identify the specific failures of the application to meet statutory requirements. The written disapproval must be provided to the sponsor within 10 business days.

A charter school may have an expedited renewal process when its annual performance report is consistent with a classification of accredited for three of the last four years and is fiscally viable.

The department is required to calculate an annual performance report for each charter school and publish it in the same manner as they are calculated and published for districts and attendance centers.

This bill requires the Joint Committee on Education to create a committee, comprised of equal members of the charter school sector and the public school sector, to investigate facility access and affordability for charter schools and to report the findings to the General Assembly by December 31, 2015.

#### HIGH-QUALITY CHARTER SCHOOL (Section 160.408)

The bill allows high-quality charter schools, as defined in the bill, to be provided expedited opportunities to replicate and expand, subject to specified conditions, into unaccredited districts, the St. Louis City School District, or the Kansas City School District.

#### ADMISSION (Section 160.410)

This bill specifies the requirements for admission into a Charter School. A charter school must enroll transfer students provided the charter school is an approved charter school and subject to current transfer law and are prohibited from using the lottery system in determining the enrollment of pupils when a school's capacity is insufficient from discriminating based on parents' ability to pay fees or tuition.

Currently, students who are present for the January membership are counted in the performance of the school on the statewide assessment that year. This bill specifies that students who have been enrolled in a charter school for a full academic year must be counted in the performance and removes the provision regarding student performance assessment and comparison.

#### FINANCIAL OBLIGATIONS (Sections 160.415 and 160.417)

This bill requires a charter school to satisfy all its financial obligations within 12 months of notice from the charter sponsor's

closure. A charter school must return any remaining state and federal funds to DESE once its financial obligations are met.

The bill specifies that a charter school will be identified as experiencing financial stress if due to insufficient fund balances or reserves, it incurs debt after January 31 and before July 1 during the most recently completed fiscal year in order to meet expenditures of the charter school.

#### APPROVED CHARTER SCHOOL TUITION (Section 167.131)

The board of education of each district in Missouri that does not maintain an accredited school is required to pay the specified tuition and provide transportation for each pupil resident who attends an accredited school in another district of the same or an adjoining county or who attends an approved charter school, as defined in the bill, in the same or an adjoining county.

#### TRANSPORTATION (Section 167.241)

This bill specifies when transportation must be provided and who is financially responsible.

#### A+ SCHOOLS PROGRAM (Section 160.545)

This bill allows a qualifying student of a nonpublic school to be eligible for reimbursement of post secondary education through the A+ program, as specified in the bill.

#### EARLY LEARNING QUALITY ASSURANCE (Section 161.217)

This bill establishes an early learning quality assurance report three-year pilot program in collaboration with the Missouri Head Start Collaboration Office and the departments of Health and Senior Services, Mental Health, and Social Services. The program is voluntary for any licensed or license-exempt early learning providers that are center-based or home-based and providing services for children from any age up to kindergarten.

This bill also repeals a current section on quality rating systems for early childhood education. The section prohibits certain public institutions, as described within the section, from operating or mandating participation in a quality rating system or training quality assurance system, as described within the section.

#### TRAUMA-INFORMED SCHOOLS INITIATIVE (Sections 161.1050 and 161.1055)

Beginning July 1, 2017, this bill establishes the "Trauma-Informed Schools Initiative." Accordingly, DESE shall provide information regarding the trauma-informed approach to all school districts, and offer training on recognizing and responding to trauma.

This bill also establishes the "Trauma-Informed Schools Pilot Program" and requires DESE to choose five schools across Missouri to receive

intensive trauma-informed training regarding how to recognize and respond to the signs of trauma in students, teachers, and staff. The program will be terminated on August 28, 2019, and before December 31, 2019 the department shall submit a report to the General Assembly on the results of the pilot program.

#### VACANCIES ON SCHOOL BOARDS (Sections 162.073 and 162.261)

This bill specifies that for counties without a county commission, in an instance where two or more vacancies exist on a school board, the vacancies must be filled by the county executive with the advice and consent of the county council.

#### SEVEN DIRECTOR SCHOOL DISTRICTS (Sections 162.531 and 162.541)

Currently, the law requires the treasurer of a seven-director school district, and the secretary and the treasurer of an urban district, when entering into a bond to the state, to do so with two or more sureties. This bill authorizes the treasurer or secretary to use one or more sureties.

#### GIFTED EDUCATION (Sections 162.720 and 163.031)

This bill modifies provisions relating to gifted education.

Beginning in the 2017-2018 school year, a school district will incur a reduction in funding if it experiences a decrease in its gifted program enrollment of more than 20%. If a school district experiences a decrease of 20% or more in its gifted program enrollment, an amount equal to the product of the difference between the number of students enrolled in the gifted program in the current school year and the number of students enrolled in the previous school year multiplied by \$680 must be subtracted from the school district's current year payment amount. This provision does not apply to school districts with an average daily attendance of less than 350.

#### REMEDIATION PREVENTION (Sections 167.903, 167.905, and 173.750)

This bill allows each student during his or her ninth grade year at a public or charter school to develop a personal plan of study with help from the school's guidance counselors that must be reviewed at least annually by school personnel and the student's parent or guardian and updated based on the needs of the student and requires, no later than January 1, 2017, DESE to develop a process for recognition of a school district's program for developing personalized plans of study for all students prior to entering ninth grade.

The bill requires each school district to develop a policy and implement a system by July 1, 2018, for identifying students in their ninth grade year who are at risk of not being ready for college-level work or for entry-level career positions. By January 1, 2017, DESE must develop a process for recognition of a school district's program of academic and career counseling for these specified students.

This bill repeals the provision that prohibits the use of the reported remediation rate for any other purpose and requires:

(1) DESE to conduct a review of its policies and procedures relating to best practices in remediation as identified by the Department of Higher Education (DHE) to ensure that districts are informed about and held accountable for implementing the best practices. DESE must present its results to the Joint Committee on Education by October 31, 2017;

(2) DHE, in consultation with DESE to develop a report that analyzes the results of the remediation rate report relative to student performance on the statewide assessment for English I and Algebra I by July 1, 2019; and

(3) Requires school districts to adopt a policy to permit a waiver to students with a disability if recommended by the student's IEP (Individualized Education Program) committee.

#### DYSLEXIA SCREENING IN SCHOOLS (SECTION 167.950)

This bill requires each public school to screen students for dyslexia and related disorders at appropriate times in accordance with rules established by the State Board of Education. DESE must develop guidelines for the appropriate screening of students and the necessary classroom supports. The requirements and guidelines must be consistent with the findings and recommendations of the Legislative Task Force on Dyslexia, which is also created by this bill.

The school board of each district and governing board of each charter school must provide reasonable support consistent with the guidelines developed by DESE. "Related disorders" are defined as disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dysgraphia, and developmental spelling disability.

Beginning in the 2018-19 school year, practicing teacher assistance programs will include two hours of in-service training regarding dyslexia and related disorders.

#### MISSOURI CIVICS EDUCATION INITIATIVE (Sections 170.011, 170.345, and 170.350)

These provisions of the bill require the subject of American civics to be included in the exam required for graduation from any public or private school, other than private trade schools.

Any student entering ninth grade after July 1, 2017, who is attending a public, charter, or private school, except for private trade schools, shall pass an examination on the provisions and principles of American civics.

The test will consist of 100 questions similar to the 100 questions used by the United States Citizenship and Immigration Services and each district must adopt a policy permitting a student with a disability to

receive a waiver from the basic civics test requirement if the student's IEP committee recommends it.

This bill also allows a school district to recognize a student's participation in the Constitution Project of the Missouri Supreme Court, as described in the bill.

#### CPR INSTRUCTION IN SCHOOLS (Section 170.310)

Beginning in the 2017-18 school year, a student may not receive a certificate of graduation from any public or charter school unless he or she has received 30 minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the heimlich maneuver or other first aid for choking given any time during the student's four years of high school and included in the school district's existing health or physical education curriculum.

#### PLEDGE OF ALLEGIANCE IN SCHOOLS (Section 171.021)

This bill specifies that the Pledge of Allegiance must be recited at least once per school day in schools supported by public funds.

#### TASK FORCE ON DYSLEXIA (Section 633.420)

This bill creates the Legislative Task Force on Dyslexia. The Task Force will advise and make recommendations to the Governor, General Assembly, and relevant state agencies. The Task Force will consist of 20 members, as described in the bill and include four legislative members and the Commissioner of Education, the members will be appointed by the President Pro Tem of the Senate and the Speaker of the House of Representatives. The Task Force will make recommendations for a statewide system for identification, intervention, and delivery of support for students with dyslexia, as described in the bill.

The Task Force will hire or contract for hire specialist services to support the work of the Task Force as necessary with appropriations or from other available funding.

The Task Force will expire on August 31, 2018 and the repeal and reenactment of Section 161.1050 will become effective July 1, 2017.

#### SB 641 -- DEDUCTION FOR AGRICULTURAL DISASTER

Beginning January 1, 2014, this bill authorizes an income tax deduction for 100% of the amount of any income received as payment from any program which compensates agricultural producers who have suffered a loss as a result of a disaster or emergency.

#### SB 655 -- FERTILIZER CONTROL BOARD (Munzlinger) (Reiboldt)

COMMITTEE OF ORIGIN: Agriculture Policy

This bill transfers the duties of enforcing and administering the laws relating to fertilizers from the Director of the Missouri Agricultural Experiment Station to the newly created Fertilizer Control Board. The board must be composed of 13 members appointed by the Director of the Department of Agriculture from persons nominated by specified nonprofit corporations. Five of the members must be actively employed as fertilizer manufacturers or distributors, five must be actively engaged in the business of farming, and three must be at-large members selected by the department director with the approval of a majority of the other 10 members of the board. The board must meet at least twice annually to conduct the specified duties of the board. Agents of the board are authorized to carry out specified activities in order to fulfill the duties of the board. The bill specifies that if a fertilizer is, upon official analysis, proven deficient from its guarantee as stated on the bag or other container, the total penalties assessed upon a fertilizer distributor cannot exceed \$5,000 per year or the amount of the current value of the plant food deficiency, whichever is greater. A distributor who knowingly and with malicious intent violates or attempts to violate the laws relating to fertilizer must be assessed a penalty of up to \$25,000 for each offense. If the preliminary analysis of a fertilizer shows a potential deficiency, the distributor must be notified within two business days by telephone or email in addition to a mailed notification letter.

CCS HCS SB 656 -- CONCEALED CARRY

The bill modifies provisions relating to county sheriffs, self defense, unlawful use of weapons, and concealed carry permits.

COUNTY SHERIFF'S REVOLVING FUND (Section 50.353, RSMo)

This bill specifies that the funds received under Section 571.101 for processing an application for a concealed carry permit be used only to supplement the sheriff's funding received from other county, state, or general funds. The county commission cannot reduce any sheriff's budget as a result of funds received under that section.

BACKGROUND CHECKS BY THIRD CLASS COUNTY SHERIFF'S (Section 57.281)

This bill also requires the listed agencies and groups to submit, for the specified purposes, two sets of fingerprints to the sheriff of a county of the third classification to search the Missouri criminal records repository and the Federal Bureau of Investigation criminal history files, if the sheriff elects to provide this service.

SELF DEFENSE (Section 563.031)

This bill specifies that an individual who is occupying private property under the authority of the property owner is permitted to use deadly force in specified situations.



## UNLAWFUL USE OF WEAPONS (Section 571.030)

Currently, carrying a concealed weapon without a concealed carry permit is an unlawful use of a weapon. This bill repeals the prohibition on carrying concealed weapons, except in the those places listed under Section 571.107.

A municipal or county prosecuting attorney or assistant prosecuting attorney or a municipal, associate circuit, or circuit judge who has completed the required firearms safety training course is added to the list of individuals who are exempt from specified provisions regarding the carrying of a concealed weapon.

A certificate of firearms safety training course completion may also be issued to an applicant who presents proof that he or she has passed a regular or on-line course on firearm safety conducted by an instructor certified by the National Rifle Association as specified in the bill and who also passes specified requirements in a and who also passes the specified requirements in a course that is taught by a qualified firearms safety instructor.

This bill prohibits any public school district or charter school administrator, teacher, or other employee from requiring a student, a student's family, a school teacher, or other school employee to provide information on that individual's or family's firearm ownership. This bill also states that any information voluntarily provided by the specified individuals regarding firearm ownership must not be the basis for adverse disciplinary action against a student or employment action against a public school teacher or employee, unless the adverse action is based on a violation of Chapter 571.

## CONCEALED CARRY PERMIT FEES (Sections 571.101, 571.104, and Section B)

Currently, an applicant for a concealed carry permit may be charged a fee that does not exceed \$100. This bill specifies that this fee shall include the costs for fingerprinting or criminal background checks. The bill also allows for an additional fee to be charged for each credit card, debit card, or other electronic transaction equal to the charge paid by the state or applicant for the use of the credit card, debit card, or other electronic payment method by the applicant.

In addition, this bill provides that if a concealed carry permit expires while the permit holder is on active duty in the Armed Forces, active state duty, full-time National Guard duty, or active duty with the National Guard, or the permit holder is incapacitated due to an injury incurred while in military service, the permit may be renewed within two months of the permit holder's return to Missouri after discharge from duty or recovery from the incapacitation. Once the two-month period has expired, the provisions governing late renewals apply except the penalties begin to accrue upon the expiration of the two-month period rather than on the permit's expiration date.

## LIFETIME CONCEALED CARRY PERMIT (Sections 571.126-571.230)

Currently, concealed carry permits must be renewed once every five years. This bill allows a Missouri resident who meets the requirements for a concealed carry permit specified under the act and pays a \$500 fee to receive a concealed carry permit that is valid for the duration of the person's life. This bill also allows Missouri residents who meet the requirements for a permit to pay \$150 to receive a Missouri extended concealed carry permit that is valid for 10 years or \$200 for an extended permit that is valid for 25 years. To renew an extended permit, the permit holder must pay \$50. The lifetime and extended permits are only valid throughout the State of Missouri.

The lifetime and extended permits are still subject to the same suspension and revocation provisions that apply to permits that expire every five years. The sheriff must conduct a name-based criminal background check on extended and lifetime permit holders once every five years. The lifetime and extended concealed carry permits must include a statement that the permit is valid only throughout the State of Missouri.

If the holder of a lifetime or extended concealed carry permit becomes a resident of another state, the permit is suspended. It may be reactivated if the permit holder reestablishes Missouri residency, meets the requirements for a concealed carry permit, and passes a name-based criminal background check.

This bill contains an emergency clause.

#### HCS SS SCS SB 657 -- MOTOR VEHICLES

This bill specifies that if a person is required to have an ignition interlock device installed on his or her vehicle, he or she may apply to the court for an employment exemption variance to allow him or her to drive an employer-owned vehicle not equipped with an ignition interlock device for employment purposes only. The bill prohibits this exemption from being granted to a person who is self-employed or who wholly or partially owns an entity that owns an employer-owned vehicle.

Any person granted an employment exemption variance under these provisions is prohibited from driving, operating, or being in physical control of an employer-owned vehicle used for transporting children under 18 years of age or vulnerable persons, or an employer-owned vehicle for personal use.

The bill specifies that except in cases of fraud or misrepresentation on the application for coverage, an owner or operator of an underground storage tank may not be denied insurance benefits by the Petroleum Storage Tank Insurance Fund or other provider of financial responsibility solely because the owner or operator's claim comes from a release of a regulated petroleum substance deemed incompatible with the storage tank system.

Any refiner, supplier, wholesaler, distributor, retailer, or other vendor of motor fuel that contains or is blended with any amount of ethanol, biodiesel, or other renewable fuel that complies with labeling and motor

fuel quality laws may not be liable for any damages related to a customer's purchase of motor fuel from the vendor as long as the selection of motor fuel was made by the customer and not the vendor. Motor fuel that contains or is blended with a renewable fuel may not be considered a defective product if the fuel complies with motor fuel quality laws.

No motor vehicle manufacturer, motor vehicle dealer or manufacturer or dealer of internal combustion engines or products powered by an internal combustion engine, except in cases of fraud or misrepresentation, is liable for property damages related to customer's purchase of motor fuel containing or blended with any amount of ethanol, biodiesel, or other renewable fuel or biofuel if the selection and purchase of the fuel was made by the customer and does not comply with the fuel recommendations in the owner manual.

Currently, the fee for the inspection of certain motor fuels shall not be less than 1.5 cents per barrel and shall not exceed 2.5 cents per barrel. This bill specifies that the per barrel fee may not exceed 4 cents per barrel from 2017 to 2021, and may not exceed 5 cents per barrel from 2022 and thereafter.

#### SB 660 -- COUNTY FUNDS DEPOSITARY BIDDING PROCEDURES

This bill changes the deposit requirement from 1.5% of the county general revenue of the preceding year to be deposited to \$2,500 as a guaranty of good faith of the bidding banking corporation or association when bidding as a depository of county funds.

#### SB 664 -- FARMING CORPORATION REGISTRATION

This bill waives the corporate registration report requirement for specified farming corporations and family farm corporations if the corporate name, the name and Missouri physical address of its registered agent, the name and business or residence of its officers and directors, and the mailing address of the corporation's principal place of business or corporate headquarters have not changed since the corporation's original articles of incorporation or its most recent report was filed, whichever is applicable.

This bill is the same as HB 233 (2015) and HB 1588 (2016).

#### HCS SB 665 -- AGRICULTURE

This bill modifies the "Qualified Beef Tax Credit Act" by modifying the baseline weight to be the average of the previous two years and extending the sunset on the credit from December 31, 2016, to December 31, 2021. Currently, a farmer can receive the tax credit of 10 cents per pound for each pound as long as the sale weight is 200 pounds over the baseline

weight. The bill would allow for a credit of 10 cents per pound for each pound as long as the sale weight is 100 pounds over the baseline weight if the sale weight is under 600 pounds and 25 cents per pound for each pound as long as the sale weight is 100 pounds over the baseline weight if the sale weight is 600 pounds or greater. A taxpayer may not claim credit of more than \$15,000 per year and can only claim the credit for up to three years.

This bill also creates the "Meat Processing Facility Investment Tax Credit Act," which beginning January 1, 2017, and ending December 31, 2021, authorizes a tax credit for 25% of the amount the taxpayer spent for meat processing modernization or expansion for the year. The taxpayer may not claim a credit of more than \$75,000 per year. The credit may be assigned, transferred, or sold.

The amount of credit claimed under the "Qualified Beef Tax Credit and the Meat Processing Facility Investment Tax Credit" may not exceed \$2 million per calendar year.

Currently, the "AgriMissouri Advisory Commission for Marketing Missouri Agricultural Products" may establish a fee structure for sellers electing to use the AgriMissouri trademark associated with Missouri agricultural products with the fee varying depending upon the amount of the seller's gross annual sales. This bill allows the commission to adopt a fee structure so long as the fees established and collected do not yield revenue greater than the costs of administering the objectives of the AgriMissouri Advisory Commission and the AgriMissouri trademark to sellers using the trademark in the ensuing year.

Currently, the agricultural product utilization contributor tax credit and the new generation cooperative incentive tax credit expire on December 31, 2016. The bill extends the sunset on these tax credits to December 31, 2021 and requires the authority to submit to the General Assembly a report analyzing the costs and benefits of the programs each year.

The bill changes and expands the Farm-to-School Program to the Farm-to-Table Program to include schools, correctional facilities, hospitals, nursing homes, and military bases. The bill requires the Department of Agriculture to establish guidelines for participation and program goals, including that participating institutions must purchase at least 10% of their food locally by December 31, 2019.

The bill also changes and expands the Farm-to-School Taskforce to the Farm-To-Table Taskforce to include a representative from the departments of Corrections and Health and Senior Services and a representative from one of the state's military bases. The Director of the Department of Corrections will appoint one person who is employed as a correctional facility food service director and the Director of the Department of Health and Senior Services will appoint one person who is employed as a hospital or nursing home food services director.

Currently, the fee for the inspection of certain motor fuels shall not be less than 1.5 cents per barrel and shall not exceed 2.5 cents per barrel.

This bill specifies that the per barrel fee may not exceed 4 cents per barrel from 2017 to 2021, and may not exceed 5 cents per barrel from 2022 and thereafter.

#### CCS SB 700 -- WORKERS' COMPENSATION

##### VETERANS' ORGANIZATION EXEMPTION (Section 287.090, RSMo)

This bill exempts veterans' organization volunteers who are not paid wages from coverage under workers' compensation statutes.

This bill also allows volunteer fire protection associations to apply to the state fire marshal for grants to help fund the associations' costs related to workers' compensation insurance premiums for volunteer firefighters. Subject to appropriations, the state fire marshal shall disburse grants to each applying association according to the schedule specified in the bill. Grant money disbursed under this section shall be used only for the purpose of paying for the workers' compensation premiums of volunteer firefighters.

##### VOLUNTEER FIREFIGHTERS WORKERS' COMPENSATION GRANTS (Section 287.245)

Furthermore, the uniform experience rating plan of workers' compensation insurance currently prohibits an adjustment to the experience modification of an employer if the total medical cost does not exceed \$1,000, the employer pays all of the medical costs, there is no lost time, with some exceptions, from employment, and no claim is filed. This bill changes the medical cost maximum to 20% of the current split point of primary and excess losses under the uniform experience rating plan.

##### WORKERS' COMPENSATION PREMIUM RATES (Section 287.975)

Additionally, this bill provides that, for purposes of calculating the premium credit under the Missouri contracting classification premium adjustment program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for all calendar quarters of the year prior to the workers' compensation policy start or renewal date, provided the employer clearly indicates for which quarter the payroll information is being submitted.

#### SB 702 -- UNEMPLOYMENT COMPENSATION BENEFITS

Currently, when an individual or employer repays the state for overpayment of unemployment compensation benefits, payments made toward the penalty amount due are credited to the Special Employment Security Fund. This bill requires 15% of the total amount of benefits fraudulently obtained to be deposited into the Unemployment Compensation fund and the remaining penalty amount to be credited to the Special Employment Security Fund.

Additionally, this bill states that taxicab drivers shall not be considered employees of the company that leases taxicabs to the drivers or that provides dispatching or rider referral services unless the driver is shown to be an employee of the taxicab company by application of the IRS 20-factor right-to-control test.

#### SB 711 -- MANDATORY CPR TRAINING FOR STUDENTS

Beginning with the 2017-18 school year, this bill requires high school pupils in public schools and charter schools to have received thirty minutes of CPR instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking prior to graduation. The bill also requires the training to be included in the district's existing health or physical education curriculum.

#### CCS HCS SS SB 732 -- EMERGENCY RESPONSES

##### REPORTING OF DOMESTIC VIOLENCE INCIDENTS (Section 43.545, RSMo)

This bill requires the State Highway Patrol to include all reported incidents of domestic violence in its system of reporting for compilation in the annual crime report.

##### STATE EMERGENCY MANAGEMENT AGENCY VOLUNTEER PROGRAM (Section 44.023)

This bill also adds building officials and building inspectors employed by local governments, who are qualified by training and experience, who have been certified by the State Emergency Management Agency (SEMA), and who perform their duties under the direction of a licensed architect or engineer to the list of volunteers for the emergency volunteer program to be administered by SEMA in the event of a disaster. Volunteers may offer their services or equipment for up to five consecutive days for in-state deployments. Volunteers will help local jurisdictions determine whether affected structures may remain occupied, must be restricted in use, or must be unoccupied pending demolition. Such volunteers shall be immune from liability for any acts committed in the performance of their official duties unless such acts constituted willful misconduct or gross negligence.

Enrolled volunteers shall be provided Workers' Compensation Insurance by SEMA during their official duties, and emergency volunteers who are certified by SEMA shall be considered employees of the state for purposes of the Emergency Mutual Aid Compact and shall be eligible for out-of-state deployments.

##### URBAN SEARCH AND RESCUE REIMBURSEMENT (Section 44.032)

This bill allows urban search and rescue task forces to be reimbursed from the Missouri Disaster Fund for any reasonable and necessary expenditures incurred while responding to any declared emergency.

#### UNARMED GUARDS WORKING ON OR NEAR GAMBLING BOATS (Section 84.720)

This bill also stipulates that any individual who holds an occupational license issued by the Missouri Gaming Commission for the purpose of performing the duties of an unarmed security guard while working on an excursion gambling boat, or at a facility adjacent to an excursion gambling boat, shall be exempt from certain licensing requirements.

#### LIBERTY AND NORTH KANSAS CITY SALES TAX FOR PUBLIC SAFETY (Section 94.902)

This bill further authorizes the cities of Liberty and North Kansas City to impose, upon voter approval, a sales tax of up to .5% solely for the purpose of improving the public safety of the city, including expenditures on equipment, salaries and benefits, and facilities for police, fire, and emergency medical providers.

#### DISTRICT BOARD MEMBERS ELIGIBLE FOR EMPLOYMENT (Section 190.055)

This bill stipulates that individual district board members shall not be eligible for employment within 12 months of termination of service as a member of the board unless such employment is on a volunteer basis.

#### EMS ADVISORY COMMITTEES (Section 190.102)

This bill adds development, review, and recommendation for action to be taken on community and regional time-critical diagnosis plans to the list of items the regional EMS advisory committee must advise and make recommendations on. The bill requires the regional EMS medical director to serve as a member of the regional EMS committee.

The EMS medical director must serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors must be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors must be elected to an initial four-year term. All subsequent terms will be four years.

#### LIABILITY FOR EMTs TRANSPORTING OR RESTRAINING PATIENTS (Section 190.144)

This bill also prohibits any emergency medical technician licensed under Sections 190.142 or 190.143 to be subject to liability if he or she acts in good faith and without gross negligence when transporting or physically or chemically restraining a patient. The Department of Health and Senior Services may refuse to issue or renew a certificate, permit, or license and file a complaint with the Administrative Hearing Commission if certain actions are violated.

#### DEPARTMENT OF HEALTH AND SENIOR SERVICES INVESTIGATIONS (Section 190.165)

If the department conducts investigations, the department, prior to interviewing a licensee who is the subject of the investigation, must explain to the licensee that he or she has the right to consult legal counsel or have legal counsel present; have anyone present whom he or she

deems necessary or desirable; and refuse to answer any question or refuse to provide or sign any written statement. If a licensee asserts any right herein listed, this shall not be considered by the department to be a failure to cooperate with a department investigation. Finally, the department may only impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the Administrative Hearing Commission. The commission may not grant summary decisions in situations where the licensee files an answer contesting the department's intended action.

#### RECORDS PERTAINING TO APPLICANTS CONSIDERED CLOSED (Section 190.173)

Complaints, investigatory reports, and any information pertaining to any applicant or certificate, license, or permit holder shall be disclosed only upon written consent of the person whose records are involved.

#### LICENSED HOSPITALS AND NURSING HOMES POLICIES AND PROCEDURES (Section 190.240)

Additionally, this bill establishes that hospitals licensed under Chapter 198 must have policies and procedures regarding transportation of patients. Hospitals and nursing homes shall establish policies and procedures that require the hospital or facility to give advance notification to emergency medical services personnel prior to the transportation of any at-risk behavioral health patient.

Physicians treating an at-risk behavioral patient in an emergency situation who reasonably believe the patient may cause imminent serious harm to himself, herself, or others unless the patient is immediately transported to another appropriate facility to place the patient on a temporary involuntary hold for a period of time necessary to effectuate the patient's transport. During the transport, the EMS personnel may rely on the physician's hold order as a basis for implied consent to treat and transport the patient and the personnel must not be liable for any claims of negligence, false imprisonment, or invasion of privacy based on the temporary hold, treatment, or transport of the patient. The bill specifies that these provisions must not be construed to limit the patient's rights under the federal Mental Health Patient's Bill of Rights.

#### STROKE CENTER DESIGNATION (Section 190.241)

This bill changes the laws regarding stroke center designation for hospitals by adding an alternative process for hospitals to obtain a stroke center designation. If a hospital applies for stroke center designation using the alternative process, the Department of Health and Senior Services must designate the hospital using specified guidelines.

The department is permitted to remove a hospital's designation as a stroke center if the hospital requests removal of the designation or the department determines that the certificate recognizing the hospital as a stroke center has been suspended or revoked. The bill requires the department to report to the certifying organization any complaint it receives related to the certification of a stroke center designated under



these provisions and must also advise the complainant of which organization certified the stroke center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying organization. The bill specifies additional requirements for any hospital receiving designation as a stroke center under these provisions.

#### FIRST INFORMER BROADCASTERS' ACT (Section 190.260)

This bill requires the Department of Public Safety, in cooperation with any statewide organization representing broadcasters, to establish a program for training and certifying broadcast engineers and technical personnel as first informer broadcasters. The training will concern restoration, repair, and resupply of any broadcaster facilities and equipment in an area affected by emergency or disaster and first informer broadcasters' personal safety.

#### MEDICAL HELIPAD FENCES (Section 190.265)

Under this bill, any rules and regulations promulgated by the Department of Health and Senior Services, or any interpretation of such rules, shall not require hospitals to have a fence or other barriers around a hospital helipad. Additionally, the department shall not promulgate any rules and regulations with respect to the operation or construction of a helipad located at a hospital. Finally, hospitals shall ensure that helipads are free of obstruction and safe for use by a helicopter while on the ground, during approach, and takeoff.

#### MANDATED ELDER ABUSE REPORTING (Sections 192.2400 and 192.2475)

Currently, certain types of people must report to the Department of Health and Senior Services if the person has reasonable cause to suspect that a person 60 years of age or older or an eligible adult has been subject to abuse, bullying, or neglect. This bill adds first responders to the list of mandated reporters. A provision regarding an investigation of abuse by an in-home services client manager and local area agency on aging training is repealed.

#### MEDICAL SERVICES REIMBURSEMENT (Sections 208.1030 and 208.1032)

The bill permits an eligible provider to receive MO HealthNet supplemental reimbursement to the extent provided by law in addition to the rate of payment that the provider would otherwise receive for Medicaid ground emergency medical transportation services. A provider must be eligible for Medicaid supplemental reimbursement if the provider meets specified characteristics during the state reporting period and an eligible provider's Medicaid supplemental reimbursement must be calculated and paid as specified in the bill. An eligible provider, as a condition of receiving supplemental reimbursement, must enter into and maintain an agreement with the designee of the Department of Social Services for the purposes of implementing the provisions of the bill and reimbursing the department for the costs of administering these provisions. The non-federal share of the supplemental reimbursement submitted to the Centers for Medicare and Medicaid Services for purposes

of claiming federal financial participation must be paid and certified as specified in the bill.

The bill delineates the process for when an applicable governmental entity elects to seek supplemental reimbursement on behalf of an eligible provider owned or operated by, or contracted with the entity.

The bill authorizes the department to seek any necessary federal approvals for the implementation of the provisions of the bill and permits the department to limit the program to those costs that are allowable expenditures under Title XIX of the Social Security Act.

The bill authorizes the department to design and implement in consultation and coordination with eligible providers an intergovernmental transfer program relating to ground emergency medical transport services, including specified services, in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers. A provider is eligible for increased reimbursement under this section only if the provider meets certain conditions in an applicable state fiscal year. To the extent intergovernmental transfers are voluntarily made by and accepted from an eligible provider or a governmental entity affiliated with an eligible provider, the department must make increased capitation payments as specified in the bill to applicable MO HealthNet managed care plans and coordinated care organizations for covered ground emergency medical transportation services.

The intergovernmental transfer program must be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible provider, or the governmental entity with which it is affiliated, are provided for this purpose. The department must implement the intergovernmental transfer program and increased capitation payments on a retroactive basis as permitted by federal law. Participation in the intergovernmental transfers is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

The bill specifies conditions of participation for MO HealthNet managed care plans, coordinated care organizations, eligible providers, and governmental entities affiliated with eligible providers. The provisions of the bill must be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained. To the extent that the director of the department determines that the payments made under the provisions of the bill do not comply with federal Medicaid requirements, the director retains the discretion to return or not accept an intergovernmental transfer, and may adjust payments as necessary to comply with federal Medicaid requirements.

#### VOLUNTEER FIRE PROTECTION ASSOCIATION GRANTS (Section 287.245)

This bill permits volunteer fire protection associations to apply to the State Fire Marshal grants for the purpose of funding the Workers' Compensation Insurance premiums for the association's volunteer firefighters. Grants shall be disbursed by the marshal, subject to

appropriations, based upon the number of volunteer firefighters which received workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year.

#### MOVE OVER LAW (Sections 304.022 and 307.175)

This bill adds stationary public utility vehicles displaying lighted amber or amber and white lights and any other stationary vehicle located on the side of the roadway to the list of vehicles for which drivers of every motor vehicle must move over or slow down. This bill further adds vehicles and equipment owned by contractors that are performing work for the Department of Transportation that are stationary in a work zone when highway workers are present to the list of vehicles that are permitted to use amber or amber and white lights.

#### FIRE PROTECTION DISTRICT DIRECTORS (Sections 321.130 and 321.210)

This bill provides that a person who is qualified to serve as director of a fire protection district must be over the age of 24 and must be a resident and voter in the district for at least one year before election or appointment. Fees for filing nominations and declarations of candidacy shall be equal to the amount paid by a candidate for county office.

#### MOBILE VIDEO RECORDINGS (Section 610.100)

This bill requires a mobile video recording that is recorded in a nonpublic location to be closed, except that any person who is depicted in the recording or whose voice is in the recording, or his or her agent as specified in the bill, may obtain a complete, unaltered, and unedited copy of the recording upon written request.

Mobile video recordings are considered closed records until any related investigation becomes inactive, except that a legal guardian or parent of a minor child depicted in a mobile video recording or whose voice is in the recording may obtain records for purposes of investigating any civil claim or defense, and such person may obtain a complete, unaltered and unedited incident report related to the mobile video recording.

Any person may bring action in the circuit court that has jurisdiction to authorize disclosure of a mobile video recording, and the court may order that all or part of a mobile video recording be released to the person bringing the action. The bill specifies various factors the court is to consider when determining whether a mobile video recording shall be disclosed.

Any person who requests and receives a mobile video recording that was recorded in a nonpublic location is prohibited from displaying or disclosing the recording, including any description or account of any or all of the recording, without first giving direct notice to any person not affiliated with a law enforcement agency whose image or sound is contained in the recording. Upon receiving notice, each person who appears in the recording has 10 days to file and serve an action seeking

an order from a court with jurisdiction to prohibit all or some of the intended display, disclosure, description, or account of the recording. Any person who fails to comply will be subject to damages in a civil actions proceeding.

#### CRIME SCENE EVIDENCE (Section 610.205)

This bill specifies that crime scene photographs and video recordings, including photographs and video recordings created or produced by a state or local agency or by a perpetrator or suspect at a crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including where the deceased person's genitalia are exposed, are considered closed records and not be subject to disclosure under open records laws. Such material may be disclosed to the decedent's next-of-kin or to an individual who has secured a written release from the next-of-kin. It is the responsibility of the next-of-kin to show proof of the familial relationship.

The bill authorizes a circuit court judge to order the disclosure of such photographs or video records in closed criminal investigations upon findings in writing that disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased person's next-of-kin. In making such determination, the court must consider whether disclosure is necessary for public evaluation of governmental performance, the seriousness of the intrusion into the family's right to privacy, and whether disclosure is the least intrusive means available considering the availability of similar information in other public records. In any such action, the court is required to review the photographs or video recordings in question in camera with the custodian of the crime scene materials present and may condition any disclosure on any conditions the court deems necessary to accommodate the interests of the parties.

Prior to releasing any crime scene material, the custodian of the material must give the deceased person's next-of-kin at least two weeks' notice and the court is prohibited from ordering a disclosure which would disregard or shorten the duration of this notice requirement. These provisions apply to all undisclosed material which is in the custody of a state or local agency on the effective date of this section and to any such material which comes into the custody of a state or local agency after such date.

These provisions do not apply to disclosure of crime scene material to counsel representing a convicted defendant in a habeas corpus action, on a motion for new trial, or in a federal habeas corpus action under 28 U.S.C. Section 2254 or 2255 for the purpose of preparing to file or litigating such proceedings. Counsel may disclose these materials to his or her client and any expert or investigator assisting counsel but is prohibited from otherwise disseminating these materials, except to the extent they may be necessary exhibits in court proceedings.

A request for disclosure must clearly state that the request is being made for the purpose of preparing to file and litigate proceedings enumerated in these provisions.

CR HCS SB 735 -- JUDICIAL PROCEEDINGS

COURT AUTOMATION FUND (Section 476.055, RSMo)

Currently, the expiration date of the Statewide Court Automation Fund fee is September 1, 2018. This bill extends the expiration date to September 1, 2023. The Court Automation Committee is currently required to complete its duties prior to September 1, 2020. This bill extends that date to September 1, 2025.

The bill adds the Executive Director of the Missouri Office of Prosecution Services and the Director of the State Public Defender System as members of the Court Automation Committee.

BASIC CIVIL LEGAL SERVICES FUND (Section 477.650)

The Basic Civil Legal Services Fund is currently set to expire on December 31, 2018. This bill extends the expiration date to December 31, 2025.

PUBLIC DEFENDERS (Sections 600.042, 600.090, and 600.101)

This bill repeals a provision requiring the Commission on Judicial Resources to report to certain Senate and House committees regarding office space for public defenders.

Currently, the Director of the State Public Defender System must implement a plan to establish district offices that align with judicial circuit boundaries by December 31, 2018. This bill extends the date of implementation to December 31, 2021. Currently, the Director of the Missouri State Public Defender System is allowed to delegate the legal representation of any person to any licensed attorney. This bill specifies that the director can delegate the legal representation of people who are eligible for representation by the Public Defender System.

Currently, unexpended funds of up to \$150,000 are allowed to remain in the Legal Defense and Defender Fund at the end of the fiscal year. This bill removes the cap, so all unexpended money remains in the fund.

CCS HCS SCS SB 765 -- PUBLIC SAFETY

This bill modifies provisions relating to law enforcement officers and political subdivisions.

POLITICAL ACTIVITY OF FIRST RESPONDERS (Section 67.145, RSMo)

This bill inserts a new definition for the term "first responder" as it applies to restricting the political activity of first responders.

REGIONAL JAIL DISTRICTS (Section 221.407)

Currently, regional jail districts are authorized to impose a sales tax of up to 1/2% on sales in the district. The authority to impose this tax expires on September 30, 2015. This bill extends the authority of the districts to collect the tax until September 30, 2028. This bill also allows the Director of Revenue to make refunds instead of allowing the Director of Revenue to authorize the State Treasurer to make refunds.

#### TRAFFIC TICKET QUOTAS (Sections 304.125 and 575.320)

This bill prohibits a political subdivision or law enforcement agency from having a policy requiring or encouraging an employee to issue a certain number of traffic citations on a quota basis.

Currently, a public servant commits the class A misdemeanor of misconduct in administration of justice if he or she orders a St. Louis County employee to issue a certain number of traffic citations except when the employee is assigned exclusively to traffic control and has no other responsibilities or duties. This bill adds employees of any political subdivision, not just St. Louis County. In addition, the bill removes the exception for employees assigned exclusively to traffic control and specifies that a public servant also commits the misdemeanor by ordering an employee to increase the number of tickets the employee is issuing.

The bill specifies that these provisions do not apply to the issuance of warning citations.

#### MOBILE VIDEO RECORDINGS (Section 610.100)

Mobile video recordings from a law enforcement vehicle or a device carried by a law enforcement officer that includes a camera and recording capability are considered a closed record until the investigation becomes inactive. A mobile video recording in a nonpublic location may be closed, except that any person depicted in the recording or certain other persons may obtain a complete, unaltered and unedited copy of the recording.

The bill adds legal guardians or parents of a minor as being able to obtain closed investigative or mobile video records in the same way that any person could obtain such records.

Any person may bring an action to authorize disclosure of a mobile video recording and the court may order that all or part of the recording be released to the person. In making its determination on release, the court must consider specified factors, including the benefit to the public as opposed to the harm to the public, to the law enforcement agency or its officers, or to any person identified in the recording. The mobile video recording may be examined by the court in its chambers. If disclosure of either a mobile video recording or an investigative report is authorized, the court may make any order that justice requires and set forth conditions for or limitations on the disclosure as specified.

The bill provides that any person who requests and receives a mobile video recording that was recorded in a nonpublic location is prohibited

from displaying or disclosing the recording without first affording any non-law enforcement person whose image or sound is contained in the recording the opportunity to seek a court order enjoining all or some of the display or disclosure. Any person who fails to comply with this provision is subject to damages in a civil action.

#### CCS HCS SS SB 786 -- ELECTIONS

##### ELECTION CHALLENGERS AND WATCHERS (Sections 115.105 and 115.107 RSMo)

Currently, challengers are only permitted to remain present at a polling place during the hours of voting. This bill permits challengers to be present at a polling place until all ballots are cast on the day of election.

The bill further permits watchers to remain present at a polling place, or place at which absentee ballots are counted, until all closing certification forms are completed, all equipment is closed and taken down, the transportation case for the ballots is sealed, and election materials are returned to the election authority or to the designated collection place for a polling place.

##### TAX AFFIDAVIT--POLITICAL PARTY COMMITTEE CANDIDATES (Section 115.306)

Currently, all candidates for public office are required to file a tax affidavit with the Department of Revenue as well as a copy with the declaration of candidacy submitted to the Secretary of State. Under this bill, candidates for a county or city committee are exempt from this requirement.

##### CANDIDATE FILING DEADLINES (Section 115.361)

Currently, when a candidate files a statement of withdrawal within two working days prior to the deadline for the close of filing, the time of filing for the relevant office is extended until 5:00 p.m. of the first Friday following the close of deadline that is established under law. This bill changes that so that when a candidate files a statement of withdrawal within two working days prior to the deadline, filing shall reopen on the first Tuesday following the established deadline and last until 5:00 p.m. on the next Friday.

##### POLITICAL PARTY COMMITTEES (Sections 115.603-115.621)

The St. Louis City political party committee shall be designated as a city committee and not a county committee.

Currently, if a member of a county committee of a political party ever becomes disabled, that member's seat becomes vacant. This bill removes that provision.

The membership of legislative district committees is changed so that each committee is made up of the precinct, ward, or township committeemen and committeewomen from each precinct, ward, or township included in whole or in part of a legislative district.

The bill also changes the membership of Congressional, Senatorial, or Judicial District Committees.

The bill permits a political party to provide for proxy voting in any district committee. In the event that such provisions are not made, proxy voting is only allowed for Legislative, Congressional, Senatorial, and Judicial District Committees. Persons who serve as a proxy voter must be legally permitted to vote in the district of the committee for which they intend to serve as a proxy voter.

The bill also changes the meeting times for district committees.

Any Legislative, Senatorial, or Judicial District Committee that is wholly contained within a county or a city not within a county is permitted to meet at the same date as the respective city or county committee.

These provisions of the bill have an emergency clause.

#### INVESTIGATION AND PROSECUTION OF ELECTION OFFENSES (Section 115.642)

This bill permits any person to file a complaint alleging an election offense with the Secretary of State and grants the Secretary the authority to investigate such claims. Within 30 days of receiving a complaint, the Secretary of State shall notify the complainant whether the complaint has been dismissed or if the Secretary will commence an investigation. In the event that the Secretary finds reasonable grounds that an election offense has been committed, the Secretary may issue a probable cause statement. If the Secretary issues a probable cause statement, he or she may refer the offense to the appropriate prosecuting attorney.

The bill further permits the Secretary of State to assist any prosecuting attorney or circuit attorney in the prosecution of election offenses to the Secretary of State, when requested to do so by a prosecuting attorney or circuit attorney.

#### ELECTRONIC VOTER REGISTRATION (Section 115.960)

The bill modifies the provisions relating to voter registration. Specifically, the bill permits election authorities to accept voter registration applications with a signature submitted in accordance with the Uniform Electronic Transmissions Act. Further, the Secretary of State is required to maintain a system used to accept voter registration applications electronically subsequent to approval from a committee assembled for the purpose of approving and developing uniform standards, systems, and modifications to such a system.

#### ELECTRONIC FILING WITH THE MEC (Sections 130.026 and 130.057)

This bill modifies provisions relating to the appropriate filing officers for the filing of reports under campaign finance laws.

Continuing committees which make contributions totaling more than \$15,000 in an applicable calendar year are required to file disclosure reports in an electronic format. All other continuing committees are given the option to file reports in electronic or paper format. This bill repeals those requirements and instead requires all committees to file electronically.

The bill further repeals obsolete language relating to the establishment of an electronic reporting system by the Ethics Commission.

#### SCS SB 794 -- TAXATION

This bill authorizes a state and local sales and use tax exemption for all sales, rentals, parts, and repairs of durable medical equipment and prosthetic devices, parts for certain types of health care related equipment and class III medical devices that use electric fields for treatment.

#### HCS SCS SB 814 -- MILITARY INCOME TAX DEDUCTION



Beginning with the January 1, 2016 tax year, 100% of the income received by an individual as salary or compensation for being a member of the active duty component of the armed forces and to the extent that the income is included in the federal adjusted gross income, may be deducted from his or her Missouri adjusted gross income to determine his or her taxable income. If the individual files a combined return with a spouse, any active duty income received may be deducted from their Missouri combined adjusted gross income.

#### CCS HCS SCS SB 823 -- TAXATION

##### TAXATION OF BED AND BREAKFAST INNS (Section 137.016, RSMo)

This bill changes the classification of a bed and breakfast inn in which the owner resides and has six or less rooms for rent from commercial property to residential property for real property taxation purposes.

##### PRODUCTION EXEMPTIONS (Section 144.026)

This bill prohibits the Director of the Department of Revenue from sending notice to any taxpayer regarding the decision in IBM Corp. v. Director of Revenue, Case No. 94999 (Mo. banc 2016) prior to August 28, 2017 relating to sales tax.

##### SALES TAX ON INTERNET ACCESS (Section 144.030)

This bill authorizes a state and local sales and use tax exemption for Internet access or the use of interest access regardless of whether the tax is imposed on a provider or buyer of interest access.

##### SALES TAX BONDING REQUIREMENTS (Section 144.087)

This bill changes the amount of bonding required for a retail sales tax license with the Department of Revenue from three times to two times the license' average monthly tax liability, and changes the bond term from two years to one year.

#### CCS HCS SB 833 -- FINANCIAL TRANSACTIONS

SPONSOR: Nasheed

Under this bill, eligible financial institutions are permitted to offer and conduct savings promotion programs. A savings promotion program is a contest offered by an eligible financial institution that offers participants chances to win prizes if they make a minimum deposit into an eligible account.

CREDIT INSTRUMENTS--EXCURSION GAMBLING BOATS (Sections 313.800 & 313.817, RSMo)

This bill modifies the provisions relating to credit instruments used in wagering on a licensed excursion gambling boat. A gambling boat accepts credit instruments, such as written checks or automatic bank drafts, in exchange for chips or electronic tokens to be wagered. In addition to creditor protections already existing in law, this bill requires the acceptance of credit instruments be based on the gambler's checking or savings accounts. Credit instruments of \$10,000 or less will only be accepted if the person's creditworthiness is at least twice the amount of the credit instrument or \$10,000 whichever is less. Credit instruments of more than \$10,000 will only be accepted if the person's creditworthiness is equal or in excess of the amount of the credit instrument. A credit instrument will not be secured by an individual's house or other real property, tangible personal property, investments, IRAs, a 401(k), pensions or other retirement accounts, any college saving plans, or any assets whatsoever other than a demand deposit account or accounts.

#### LAND/LEGAL DESCRIPTIONS BY LICENSED ATTORNEYS (Section 327.272)

A licensed attorney or licensed title insurance company, agent, or agency is not precluded from preparing maps or other drawings, conducting investigations into real estate titles and descriptions, and preparing land or legal descriptions for clients or customers.

#### ESCROW SERVICES (Sections 381.022 and 381.058)

In addition, this bill provides that a title insurer, title agency, or title agent may perform escrow or closing services in residential real estate transactions by giving notice to affected persons that their interests are not protected by the title insurer, agency, or agent in situations where the title insurance policy is not being issued by the title insurer, agency, or agent performing the escrow or closing services. In situations where title insurers, agencies, and agents are exclusively performing escrow, settlement, or closing services, it is unlawful for the entities to do so unless they clearly disclose to the sellers, buyers, and lenders involved in the escrows, settlements, or closings that no title insurer is providing any protection for closing or settlement funds.

#### EXCEPTED BENEFIT PLANS (Section 376.998)

Excepted benefit plans shall be exempt from any health insurance mandate enacted on or after August 28, 2016, unless the statute enacting such mandate expressly declares that it is applicable to excepted benefit plans.

#### SS SCS SB 838 -- COURT ORDER FOR WIRELESS CONTRACTS

This bill specifies that in any full or ex parte order of protection, in instances where the petitioner is not the wireless service account holder a court may direct a wireless service provider to transfer to the petitioner the billing responsibility for and rights to an existing

wireless telephone number or numbers, including the wireless telephone numbers of any minor children in the petitioner's care.

The bill specifies what information must be included in the order and requires the order to be served on the wireless service provider's agent for service of process listed with the Secretary of State. If the wireless service provider cannot operationally or technically comply with the order due certain specified circumstances, they must notify the petitioner within 72 hours.

The wireless service provider is not precluded from applying any routine and customary requirements for account establishment to the petitioner as part of this transfer of billing responsibility.

These provisions do not affect the ability of the court to apportion the assets and debts of the parties or to determine the temporary use, possession and control of personal property, and no cause of action lies against any wireless service provider, its officers, employees, or agents for actions taken in accordance with a court order issued under these provisions.

#### SB 844 -- LIVESTOCK TRESPASS LIABILITY

Currently, if any horses, cattle, or other livestock break through any fence or trespass onto another's property, the owner of such animal is strictly liable for damages sustained by the animal to another's property. This bill specifies that the owner of such animal would only be liable for damages sustained to another's property if the animal owner was negligent.

#### SS#2 SB 847 -- COLLATERAL SOURCE RULE (Emery) (McGaugh)

COMMITTEE OF ORIGIN: Civil and Criminal Proceedings

This bill specifies that special damages claimed by the plaintiff at trial that have been satisfied by a payment from a defendant, the defendant's insurer, or authorized representative prior to trial are not recoverable. The defendant is entitled to deduct such payments towards special damages from any judgment as provided in current law.

Parties may introduce evidence of the actual cost, rather than the value, of the medical care or treatment to the plaintiff. The bill repeals a provision of law which provides that there is a rebuttable presumption that the value of the medical treatment provided is represented by the dollar amount necessary to satisfy the financial obligation to the health care provider. The actual cost of the medical care or treatment cannot exceed the dollar amounts paid by or on behalf of a patient whose care is at issue plus any remaining amount necessary to satisfy the financial

obligation for medical care by a health care provided after adjustment for any contractual discounts, or price reduction.

#### CCS SB 852 -- HIGHWAY DESIGNATIONS

##### JACKSON COUNTY (Section 227.432, RSMo)

This bill designates the portion of I-470 at the interchange with Woods Chapel Road continuing to Lakewood Boulevard in Jackson County as the "Judge Vincent E. Baker Memorial Highway."

##### DENT COUNTY (Section 227.435)

This bill designates the bridge on Highway 32 crossing over the Meramec River in Dent County as the "Trooper Gary Snodgrass Memorial Bridge."

##### NEWTON COUNTY (Section 227.443)

This bill designates the portion of Interstate 49 highway from its intersection with State Highway 86 continuing northward to Iris Road in Newton County as the "Special Agent Tom Crowell Memorial Highway."

##### CEDAR COUNTY (Section 227.445)

This bill designates the portion of State Highway 32 from Stockton Dam Road continuing west to State Highway 39/County Road 1401 within the city limits of Stockton in Cedar County shall be designated as the "Deputy Sheriff Matthew S. Chism Memorial Highway."

##### MONITEAU COUNTY (Section 227.446)

This bill designates the portion of U.S. Highway 50 from County Line Road continuing west to Mockingbird Road in Moniteau County as the "Phyllis D. Shelly Memorial Highway."

##### MCDONALD COUNTY (Section 227.522)

This bill designates the portion of Interstate 49 from the City of Pineville in McDonald County north to the intersection of Interstate 435 in Jackson County, except for those portions of Interstate 49 that were previously designated as of August 28, 2016, as the "Purple Heart Trail."

##### ST. LOUIS COUNTY (Section 227.531)

This bill designates the portion of Interstate 270 from the City of Hazelwood in St. Louis County east to the intersection of Florissant Road in Florissant in St. Louis County, except for those portions previously designated as of August 28, 2016, as the "Rosemary Straub Davison Highway."

#### CCS HCS SCS SB 861 -- TRANSPORTATION FACILITIES

#### ADVANCED INDUSTRIAL MANUFACTURING ZONES (Section 68.075, RSMo)

This bill creates the Advanced Industrial Manufacturing Zones Act. Port authorities located in Missouri are authorized to establish an advanced industrial manufacturing (AIM) zone, which is an area that is being developed or redeveloped for any purpose so long as any infrastructure and building built or improved is in the development area. A zone may include any portion of the area located in the authority's jurisdiction, and its boundaries must be determined by the authority. More than one zone may exist within the authority's jurisdiction.

The bill creates the Port Authority AIM Zone Fund consisting of 50% of the state withholding tax from new jobs within the zone after development or redevelopment has begun. The money in the fund must be used for expenses to continue expanding, developing, and redeveloping zones identified by the port authority board of commissioners. No more than 10% of the total amount collected within the zones of a port authority may be appropriated by the legislature for the administration of a port authority. The authority must approve any projects, disperse money in the fund, and submit an annual budget for the collected funds to the Department of Economic Development explaining how and when the money will be spent.

No new AIM zones may be established after August 28, 2035. Existing AIM zones shall expire when any obligations being funded by the AIM zone are retired.

#### BRING JOBS HOME ACT (Section 143.1100)

This bill establishes the Bring Jobs Home Act and authorizes an income tax deduction equal to 50% of the eligible insourcing expenses associated with eliminating a business located outside of the state and reestablishing it in Missouri. The elimination may occur in a year other than the year the relocation occurs, and the expenses must be under a written insourcing plan. To be eligible for the tax deduction, the number of full-time employees in Missouri for the year the deduction is claimed must exceed the number of full-time employees for the year preceding the year in which the eligible insourcing expenses were paid or incurred.

Eligible insourcing expenses must be taken into account during the taxable year that the plan has been completed and all eligible insourcing expenses have been paid or incurred or, if the taxpayer chooses, the first taxable year after the taxable year the expenses have been paid or incurred. A deduction will not be allowed for any expenses incurred when dissolving a business in Missouri and relocating it to another state.

The maximum annual amount of tax deductions is \$5 million and will be allowed on a first come first served filing basis. Any deduction that cannot be claimed in the taxable year can be carried forward up to five years. If a taxpayer is allowed a deduction under this program and within 10 years of receiving the deduction eliminates the business unit for which the deduction was allowed, the taxpayer must repay the state an amount equal to the amount of the deduction.

The provisions of the bill will expire six years after the effective date.

#### TRANSPORTATION FACILITIES TAX INCENTIVE (Sections 143.2100-143.2115)

This bill creates three types of income tax deductions for entities transporting cargo through water port facilities and airports in Missouri. The deductions will be administered by the Department of Economic Development.

Beginning January 1, 2017, but before January 1, 2023, manufacturers or distributors shipping cargo by waterborne vessel through a water port facility or by airplane through an airport located in Missouri may be eligible for a deduction. The taxpayer must increase by 5% the volume of cargo they transport through a port facility over the prior year's total. The 5% increase requirement will be waived if the cargo is transported through a new port facility that is expected to transport at least 25,000 twenty-foot equivalent units (TEUs) in its first calendar year. Taxpayers must have transported at least 75 net tons of noncontainerized cargo or ten loaded TEUs in the prior year to be eligible for the deduction.

The deduction will be \$50 per TEU over the prior year's cargo volume. For cargo transported through a new port facility in its first year, the deduction will be \$50 per TEU. Taxpayers are limited to \$250,000 in deductions per year. No more than \$3.5 million deductions shall be allowed in a calendar year. The \$250,000 taxpayer limit may be exceeded if the \$3.5 million calendar year cap is not met by March 15th in a given year. No deductions may be claimed for tax years beginning after December 31, 2022.

Beginning January 1, 2017, taxpayers operating an international trade facility may qualify for a deduction based on the amount of cargo transported by airplane, rail, truck, or barge. The deduction will be equal to \$25 per TEU or 16 tons of noncontainerized cargo. No more than \$2 million in deductions may be claimed in a fiscal year. No deductions may be claimed for tax years beginning after December 31, 2022.

Beginning January 1, 2017, taxpayers operating an international trade facility and increasing the volume of cargo by 10% over the prior year may qualify for a deduction. The deduction shall be in an amount equal to \$3,500 per new full-time employee or 2% of the capital investment made in the facility. The new employees or capital investments must be related to an increase in trade activities through international shipping to qualify for the deduction. No more than \$500,000 in deductions may be claimed in any fiscal year. No deductions shall be claimed for tax years beginning after December 31, 2022. The tax deduction amount cannot exceed 50% of a taxpayer's Missouri adjusted gross income in a tax year. The deduction may be recaptured if the number of full-time employees falls below the average number of full-time employees during the tax year.

#### PUBLIC-PRIVATE PARTNERSHIP TRANSPORTATION ACT (Section 227.600)

This bill adds any port facility, water facility, water way, fuel supply facility or pipeline, water supply facility or pipeline, public work, wastewater or wastewater treatment facility, public building, vehicle parking building, vehicle parking facility, mass transit facility, or similar facility to the definition of "project" under the Missouri Public-Private Partnerships Transportation Act.

#### REDEVELOPMENT PROJECTS TAX CREDITS (Section 447.708)

This bill authorizes all demolition costs associated with the redevelopment of a former automobile manufacturing plant in St. Louis County that consists of at least 100 acres and was used primarily for the manufacture of automobiles until 2007 to be eligible for the Brownfield Redevelopment Program tax credit, provided that the Department of Economic Development determines that the redevelopment project will create at least 250 new jobs or at least 300 retained jobs, or a combination thereof. The amount of allowable costs eligible for tax credits shall be limited to the least amount necessary to cause the project to occur.

#### CCS HCS SS SCS SBs 865 & 866 -- HEALTH CARE

This bill modifies various provisions regarding palliative care, the Board of Pharmacy, pharmacists, health insurance, and pharmacy benefit managers.

#### PALLIATIVE CARE (Sections 191.1075, 191.1080, and 191.1085, RSMo)

This bill establishes the Missouri Palliative Care and Quality of Life Interdisciplinary Council within the Department of Health and Senior Services to be a palliative care consumer and professional information and education program to improve quality and delivery of patient-centered and family-focused care in Missouri. Members shall be appointed to the council on or before December 1, 2016. The members include two members of the Senate appointed by the President Pro Tem, two members of the House of Representatives appointed by the Speaker of the House, and other specified members.

The council members must serve a three-year term without compensation, but, subject to appropriations, must be reimbursed for their actual and necessary expenses incurred as a member of the council. The council must consult with and advise the department on matters related to the establishment, maintenance, operation, and outcomes evaluation of palliative care initiatives in Missouri and submit an annual report to the General Assembly that includes an assessment of the availability of palliative care in Missouri as specified.

The bill establishes the Palliative Care Consumer and Professional Information and Education Program within the department, with the purpose of maximizing the effectiveness of palliative care in Missouri by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities. The department must publish on its website

information and resources, including links to external resources, about palliative care, including specified information.

The bill encourages each hospital in Missouri to have a palliative care presence on its Intranet or Internet website and palliative care patient education information available for distribution to patients.

The department must consult with the council in implementing the provisions of the bill.

These provisions of this bill expire August 28, 2022.

#### BOARD OF PHARMACY (Section 338.075)

This bill requires all licensees, registrants, and permit holders regulated by the Board of Pharmacy to report to the board any final adverse action taken by another licensing jurisdiction against such person or entity's license, permit, or authorization to practice or operate as a pharmacist, intern pharmacist, pharmacy technician, pharmacy, drug distributor, drug manufacturer, or drug outsourcing facility. Additionally, all licensees, registrants, and permit holders shall report any surrender of a license or authorization to practice while under disciplinary investigation by another jurisdiction, and any exclusion to participate in any government funded health care program for fraud, abuse, or submission of any false claim, payment, or reimbursement request.

This bill provides that the Board of Pharmacy shall not renew a nonresident pharmacy license if the applicant does not hold a current pharmacy license in the state in which the nonresident pharmacy is located. The board shall not renew an out-of-state wholesale drug distributor, out-of-state pharmacy distributor, or drug distributor license if the applicant does not hold a current license in the state in which the distribution facility is located. If the applicant is a drug distributor registrant then the entity must be authorized and in good standing with the Food and Drug Administration or within the state where the facility is located in order for the board to renew the registration.

#### MAINTENANCE MEDICATION (Section 338.202)

This bill requires a health carrier or managed care plan that provides prescription drug coverage in the state to offer medication synchronization services. A health carrier or managed care plan that provides prescription drug coverage shall not charge any amount in excess of the otherwise applicable co-payment for dispensing a prescription drug in a quantity that is less than the prescribed amount and shall provide a full dispensing fee to the pharmacy that dispenses the prescription drug so long as the terms of the medication synchronization services are met.

#### NONRESIDENT PHARMACY LICENSE RENEWAL (Sections 338.270 and 338.347)

This bill provides that the Board of Pharmacy shall not renew a nonresident pharmacy license if the applicant does not hold a current



pharmacy license in the state in which the nonresident pharmacy is located.

Additionally, the Board shall not renew an out-of-state wholesale drug distributor, out-of-state pharmacy distributor, or drug distributor license if the applicant does not hold a current license in the state in which the distribution facility is located. If the applicant is a drug distributor registrant then the entity must be authorized and in good standing with the Food and Drug Administration or within the state where the facility is located in order for the Board to renew the registration.

#### UNIFORMITY IN INSURANCE AND FINANCIAL SERVICES REGULATION (Section 338.185)

This bill adds the U.S. Department of Health and Human Services to the list of entities the Director of the Department of Insurance, Financial Institutions, and Professional Registration may cooperate to regulate insurance and financial services.

#### PRESCRIPTION DRUG COVERAGE (Section 376.379)

The bill requires health carriers or managed care plans offering health benefit plans with prescription drug coverage to offer medication synchronization services that aligns prescription refill dates. Charging more than the normal co-payment is prohibited for quantities less than prescribed.

#### PHARMACY BENEFIT MANAGERS (Section 376.388)

This bill requires each contract between a pharmacy benefit manager (PBM) and a pharmacy or pharmacy's contracting representative to include sources utilized to determine maximum allowable cost and update such pricing information at least every seven days. A PBM must maintain a procedure to eliminate products from the maximum allowable cost (MAC) list of drugs or modify maximum allowable cost pricing within seven days if the drugs do not meet the standards as provided in the bill.

A PBM must reimburse pharmacies for drugs subject to maximum allowable cost pricing based upon pricing information which has been updated within seven days. A drug must not be placed on a MAC list unless there are at least two therapeutically equivalent multi-source generic drugs, or at least one generic drug available from only one manufacturer and is generally available for purchase from national or regional wholesalers.

All contracts must include a process to internally appeal, investigate, and resolve disputes regarding MAC pricing as provided in the bill. Appeals must be upheld if the pharmacy being reimbursed for the drug on the MAC list was not reimbursed according to the provisions of the bill or the drug does not meet the requirements for being placed on the MAC list.

#### MISSOURI HEALTH INSURANCE RATE TRANSPARENCY ACT (Section 376.465)

The bill creates the "Missouri Health Insurance Rate Transparency Act" to apply to health benefit plans, excluding large group market, long-term care, and Medicare supplemental plans, delivered, issued for delivery, continued, or renewed on or after January 1, 2018. No health carrier shall deliver, issue for delivery, continue, or renew a health benefit plan until the rates for that plan have been filed with the Director of the Department of Insurance, Financial Institutions, and Professional Registration as specified in the bill. Rates shall be filed for excepted health benefits plans, as defined in the bill, and grandfathered health benefit plans 30 days prior to use for informational purposes only. For all other plans, a health carrier may use rates on the date the director determines such rates are reasonable, the date the health carrier notifies the director of its intent to use rates the director has determined are unreasonable, or 60 days after filing rates with the director.

The director shall determine by rule when rates filed by health carriers shall be made publicly available and shall provide a means by which the public can submit written comments concerning proposed rate increases. The director shall review the proposed rate and accompanying documentation and determine whether the rate is reasonable or unreasonable. Within 60 days of rate filing, the director shall provide the health carrier with written notice detailing whether the proposed rate is reasonable or unreasonable. If the director deems the rate is unreasonable, the written notice shall specify the deficiencies and detailed reasons why the rate is excessive, inadequate, unfairly discriminatory, or unjustified. Within 30 days of receiving written notice that the proposed rate is unreasonable, the health carrier may amend its rate, request reconsideration, or implement the proposed rate. The health carrier shall notify the director of its intention within 30 days of receipt of the written notice. If a health carrier implements a rate determined to be unreasonable, the department shall make such determination public.

The director shall publish final rates on the department's website no earlier than 30 days prior to the first day of the annual open enrollment period in the individual market for the applicable calendar year.

#### PRESCRIPTION EYE DROP REFILLS (Section 376.1237)

The bill extends the termination date on provisions relating to the refilling of prescription eye drops to January 1, 2020.

#### SMALL EMPLOYER HEALTH BENEFIT PLANS (Sections 379.934, 379.936, 379.938, and 379.940)

The bill limits current law relating to small employer health benefit plans to only plans purchased on or before March 23, 2010.

#### CCS HCS SB 867 -- POLITICAL SUBDIVISIONS

This bill changes laws regarding political subdivisions.

#### ST. LOUIS COUNTY POOLED SALES TAX (Section 66.620, RSMo)

Currently, cities in St. Louis County are divided into two groups, Group A and Group B, for the purpose of distributing the county sales tax imposed under Sections 66.600 to 66.630 and the special municipal sales tax imposed by cities in St. Louis County under Section 94.850.

Beginning January 1, 2017, this bill changes the distribution formula so that municipalities in Group B must receive at least 50% of the amount of taxes generated within the municipalities based on the location where the sales were deemed consummated. Group A excludes St. Louis County while Group B includes St. Louis County.

The Director of the Department of Revenue will make adjustments for each municipality in Group B located wholly or partly within the taxing county that would receive a distribution that is less than 50% of the amount of taxes generated within the municipality based on the location in which the sales were deemed consummated if no adjustment were made and calculate the difference between the amount that the distribution to each municipality would have been without any adjustment and the amount that equals 50% of the amount of taxes generated within the municipality based on the location in which the sales were deemed consummated. If the county and Group B cities receive more than 50% of the sales tax revenue they generate such that some of the revenue would be given to Group B cities that receive less than 50% of their generated sales tax revenue, in no event will the contributing city or county receive less than the amount they received in 2014.

When a municipality is partly in Group A and partly in Group B, the director must calculate 50% of the amount of taxes generated within the municipality based on the location in which the sales were deemed consummated by multiplying 50% by the amount of all county sales taxes collected by the director under Sections 66.600 to 66.630, less 1% for the cost of collection, that are generated within the municipality based on the location in which the sales were deemed consummated, regardless of whether the taxes are deemed consummated in Group A or Group B.

St. Louis County is authorized to impose in the unincorporated parts of the county, upon voter approval, a sales tax of up to 0.5% for the purpose of providing law enforcement services. If the voters do not approve the sales tax, the proposal to impose the sales tax must not be resubmitted sooner than 36 months from the date of the last proposal. If the voters fail to approve the sales tax a second time, the county cannot resubmit the issue a third time.

#### NUISANCE ABATEMENT ORDINANCES (Section 67.402)

This bill allows St. Francois County and Taney County, to enact nuisance abatement ordinances.

#### COUNTY SHELTERED WORKSHOPS AND TAX INCREMENT FINANCING (Section 99.845)

The bill prohibits the adoption of any tax increment financing project or plan from superseding, altering, or reducing a sheltered workshop property tax levy.

#### LICENSE OFFICE FEES (Section 136.055)

Authorizes Department of Motor Vehicles fee offices to collect fees for fax transmissions, electronic look-ups, and notary fees.

#### TAXATION OF BED AND BREAKFAST INNS (Section 137.016)

Changes classification of certain bed and breakfast inns from commercial to residential for property tax purposes.

#### PROPERTY TAXATION OF RAILS-TO-TRAILS (Section 137.100)

Currently, as an alternative to abandoning a railroad easement, an out-of-service rail corridor may be used as a trail until the railroad needs the corridor for rail service. Under this bill, any portion of a landowner's parcel of land on which a trail is operated in this manner is exempt from property taxation.

#### COUNTY ASSESSMENT OF PROPERTY TAX ON MINES (Section 137.115)

The bill specifies that any real property that is available for mining but has not been bonded or permitted for such mining activity shall be assessed according to how the real property is currently being used. Any information provided to a county assessor or other public entity which administers tax policies that is by law declared to be confidential, including individual taxpayer information and a specific taxpayer's mine property, shall not be disclosed.

#### ROAD DISTRICTS (Sections 137.565, 233.180, and 233.295)

This bill changes the qualification to serve as a commissioner on a special road district from a voter in the district to any registered voter in the county in which the district is located who is also a land owner in the district.

The bill also authorizes a county commission to combine two or more road districts within the county upon petition request by a majority of the commissioners in each of the road districts seeking to be combined. The county commission must hold a public hearing after publishing notice for a period of four weeks in a newspaper of general circulation in the county. The county may issue an order to consolidate the districts if it finds, after the public hearing, that the consolidation is in the public good. The bill also designates the procedure for appointing commissioners to the new consolidated district and transferring of assets, liabilities, and tax levies. The provisions for consolidation do not apply to road districts located in two counties.

#### TAX DEDUCTIONS FOR VOLUNTEER FIREFIGHTERS (Section 143.112)

Under this bill, beginning on January 1, 2017, a taxpayer may deduct \$500 from the taxpayer's federal adjusted gross income to determine the taxpayer's Missouri adjusted gross income for any year in which the taxpayer completed 12 hours of an approved firefighter training program. Alternatively, if a firefighter completes at least 36 hours of training by completing the basic fire fighter program or completing the division's fire fighter I or fire fighter II program, the firefighter may claim a \$1,000 deduction.

#### CEDAR COUNTY LIBRARY TAX (Section 182.802)

This bill authorizes Cedar County to impose a local sales tax, if approved by voters, for the purpose of funding public libraries.

#### MUSEUM DISTRICT PETITION (Section 184.815)

A petition to create a museum district may be filed no more than five years after the President declares the area a disaster area as defined in statute. This bill would allow a petition to be filed up to 10 years after such declaration.

#### STODDARD COUNTY EMERGENCY TELEPHONE SERVICE BOARD (Section 190.335)

Currently, in any county in which voters have approved a county sales tax to fund the central dispatch of emergency services, the governing body must appoint an initial board of directors to administer the funds and oversee the provision of emergency services in the county. At the next general election, a new board is elected and the initial board is dissolved. This bill provides that, in Stoddard County, the initial appointed board shall continue to exist.

#### REGIONAL JAIL DISTRICTS (Section 221.407)

Regional jail districts are currently authorized to impose a sales tax of up to 1/2% on sales in the district. The authority to impose this tax expired on September 30, 2015. This bill extends the authority of the districts to collect the tax until September 30, 2028. This bill also allows the Director of the Department of Revenue to make refunds instead of allowing the Director of the Department of Revenue to authorize the State Treasurer to make refunds.

#### JUDGE VINCENT E. BAKER MEMORIAL HIGHWAY (Section 227.432)

This bill designates a portion of I-470 in Jackson County as the "Judge Vincent E. Baker Memorial Highway."

#### PHYLLIS D. SHELLEY MEMORIAL HIGHWAY (Section 227.446)

This bill designates a portion of U.S. Highway 50 within Moniteau County as the "Phyllis D. Shelley Memorial Highway."

#### KANSAS CITY COMMERCIAL ZONE EXTENSION (Section 304.190)

The bill extends a Kansas City commercial zone relating to height and weight restrictions on roadways eastward to include the cities of Lone Jack and Strasburg.

#### ALCOHOL AT ST. LOUIS LAMBERT INTERNATIONAL AIRPORT (Section 311.179)

Currently, the sale of intoxicating liquor by the drink is allowed at retail and the St. Louis International Airport by licensed establishments. Under this bill, people may leave the licensed establishments with an alcoholic beverage and enter other airport designated areas, but the person may not take the beverage on an airplane. In addition, this bill requires the licensed establishment to serve alcoholic beverages in containers that display the licensee's trade name or logo.

#### LIMITED LIABILITY COMPANIES IN KANSAS CITY (Section 347.048)

Currently, limited liability companies in Kansas City that own or rent real property or own unoccupied property within the city are required to file an affidavit with the city clerk specifying the name and address of a person with management control or responsibility for the real property. This bill clarifies that it must be a street address and must be a natural person.

The limited liability company must file a successor affidavit within 30 days of a change in the natural person with management control or responsibility for the real property.

The city cannot charge a fee for the filing of the affidavit or successor affidavit.

If a limited liability company fails or refuses to file the affidavit, any person adversely affected by the failure or refusal, or the city, may petition the circuit court in the county where the property is located to direct the completion and filing of the affidavit.

#### SB 875 -- INTERCHANGEABLE BIOLOGICAL PRODUCTS

This bill allows a pharmacist filling a prescription order for a brand name biological product to select a less expensive interchangeable biological product if the substitute has been approved by the FDA to be an interchangeable biological product, the prescriber has communicated that an interchangeable biological product may be substituted, and the pharmacist informs the patient. Within five days of dispensing a biological product, the pharmacist must communicate the name and manufacturer of the product to the prescriber, unless there is no FDA approved interchangeable biological product or a refill prescription is not changed from the product dispensed on the prior filling. The Board of Pharmacy must maintain a link on its website to a current list of all biological products determined by the FDA to be interchangeable with a specific biological product.

SCS SBs 905 & 992 -- UNIFORM INTERSTATE FAMILY SUPPORT

This bill changes the effective date of the repeal and enactment of certain provisions of the Uniform Interstate Family Support Act.

SB 915 -- MEMORIAL HIGHWAYS

This bill designates the portion of U.S. Highway 63 from Breedlove Drive to Peabody Road in Boone County as the "U.S. Army Specialist Steven Paul Farnen Memorial Highway." This bill also designates the portion of U.S. Highway 63 from the interchange with Discovery Parkway to Interstate 70 in Boone County as the "U.S. Navy Lieutenant Patrick Kelly Connor Memorial Highway."

SS SCS SB 919 -- INTOXICATING LIQUOR

MALT LIQUOR (Sections 311.090 and 311.200, RSMo)

Current law allows for the issuance of a license to sell malt liquor that has an alcohol level of no more than 5% by weight in cities of less than 19,000 in which voters have not authorized the sale of intoxicating liquor. This bill removes the 5% alcohol limit on the malt liquor and adds a reference to a statutory definition of malt liquor.

MICROBREWERIES (Section 311.195)

Currently, microbreweries may receive a license to sell intoxicating liquor by the drink at retail for consumption on the premises. This bill specifies that the license allows the microbrewery to sell all kinds of intoxicating liquor as defined by statute and the consumption may occur on the premises of the microbrewery or in close proximity to it. In addition, this bill repeals a provision of current law specifying that certain statutes regarding the authority of cities and counties to collect liquor license fees and other liquor regulations apply to microbreweries.

COOLERS (Sections 311.198 and B)

Beginning January 1, 2017, this bill allows a brewer to lease portable refrigeration units to retail licensees at a value equal to the cost of the unit to the brewer. A brewer may also enter into lease agreements with wholesalers, who may enter into sub-lease agreements with retail licensees at a value equal to the cost of the unit to the brewer. The brewer or wholesaler may also recover 2% of the total lease value at the execution of the lease. A wholesaler may not directly or indirectly fund the cost or maintenance of the portable refrigeration units. A brewer may only lease one portable refrigeration unit per retail location. No portable refrigeration unit may exceed certain height, width, and depth

dimensions as set forth in this bill. The portable refrigeration unit may bear in a conspicuous manner substantial advertising matter about a product or products of the brewer, and no retail location may have more than one unit. A retail licensee may sell any product from such units, but dispensing equipment may not be attached to the unit and liquor may not be dispensed from the unit. Further, if a brewer or wholesaler provides such portable refrigeration units, they shall provide the Division of Alcohol and Tobacco Control certain information within 30 days as set forth in this bill.

This section shall expire on January 1, 2020, except any lease executed prior to January 1, 2020 shall remain in effect until the expiration of such lease.

#### GROWLERS (Section 311.201)

This bill allows any person who is licensed to sell intoxicating liquor in the original package at retail to sell 32 to 128 ounces of draft beer for consumption off the premises.

This bill specifies that no law or rule of the Supervisor of Alcohol and Tobacco Control shall be interpreted to allow a liquor wholesaler, distributor, or manufacturer to provide dispensing or cooling equipment or growlers to anyone who has a retail license to sell liquor in the original package. This bill provides the manner in which growlers may be filled and refilled and requirements for certain information to be provided on the growler.

#### CONTROLLED LIQUOR SELF-DISPENSING SYSTEMS (Section 311.205)

Currently, licensed liquor retailers may use table tap dispensing systems that allow patrons to self-dispense up to 32 ounces of beer per patron at their tables. This bill expands this statute to allow licensed liquor retailers to use self-dispensing systems that allow patrons to self-dispense up to 32 ounces of beer or 16 ounces of wine. The bill removes references to table taps and instead refers to self-dispensing systems.

#### LIQUOR LICENSES (Section 311.220)

This bill provides that every licensee shall at all times prominently display his or her license at his or her licensed premises where any city or county license to sell intoxicating liquor has been approved. Within ten days from the issuance of said city or county license, the licensee shall also file a copy of the license with the supervisor of Alcohol and Tobacco Control.

#### PROOF OF AGE TO PURCHASE LIQUOR (Section 311.328)

This bill adds nondriver's licenses to the list of types of identification that may be used as proof of age to purchase liquor.

#### SALES AND USE TAX STATEMENT (Section 311.665)



This bill requires liquor licensees to file a copy of their sales and use tax statement with the supervisor of Alcohol and Tobacco Control within ten days from the Department of Revenue's issuance of the statement in order to maintain their liquor license.

#### FESTIVAL PERMIT FOR OUT-OF-STATE MANUFACTURERS (Section 311.915)

An out-of-state beer and malt liquor manufacturer who is not licensed in Missouri may receive a special permit to participate in festivals, bazaars, and other events. The manufacturer does not need to follow label registration requirements for state-licensed manufacturers. The permit only allows up to 200 gallons of beer or malt liquor to be shipped in the state. The licensed manufacturer holding the retail license for the event must pay the excise taxes on the liquor. The permit is valid for up to 72 hours and costs \$25.

#### CCS SCS SB 921 -- DOMESTIC VIOLENCE

##### TEEN DATING VIOLENCE DATING AWARENESS MONTH (Section 9.172, RSMo)

This bill designates February as Teen Dating Violence Awareness Month and encourages citizens to observe the month with appropriate activities and events to raise awareness of abuse in teen relationships.

##### DOMESTIC VIOLENCE INCIDENT REPORTING (Sections 43.545, 455.543, and 455.545)

The Missouri State Highway Patrol must report all domestic violence incidents for compilation in the annual crime report published by the Department of Public Safety. This bill removes the current time requirements for the required reporting by law enforcement agencies of domestic violence-related homicides and suicides to the Governor and the General Assembly by March 1 instead of February 1.

##### HIGHER EDUCATION MEMORANDA OF UNDERSTANDING (Section 173.2050)

This bill also requires the governing board of each public institution of higher education in Missouri to engage in discussions with law enforcement agencies and enter into a memorandum of understanding concerning sexual assault, domestic violence, dating violence, and stalking involving students on and off campus. The memorandum of understanding must contain detailed policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking involving students that comports with the best and current professional practices and set out the procedural requirements for the reporting of an offense, protocol for establishing jurisdiction, and criteria for determining when an offense must be reported to law enforcement.

##### COMPENSABLE MENTAL HEALTH SERVICES FOR VICTIMS OF CRIMES (Section 595.030)

Currently, compensation paid for mental health services from the Crime Victims' Compensation Fund may only be paid if the service was provided

by certain licensed professionals. This bill adds licensed board-certified psychiatric-mental health clinical nurse specialists and nurse practitioners to the list.

#### VICTIMS' RIGHTS (Section 595.209)

Currently, victims of certain specified crimes automatically have certain enumerated rights. Victims of other types of crimes have the same rights upon written request. This bill adds victims of sexual offenses and victims of domestic assault to the list of crime victims who automatically have enumerated rights.

#### HCS SB 932 -- REGULATION OF BONDED ENTITIES

This bill modifies auditing standards of credit unions so that the standards are consistent with federal credit union standards (Section 370.230, RSMo).

The bill modifies the Uniform Insurer's Liquidation Act to provide rights to Federal Home Loan Bank (FHLB) members when insurance companies fall into delinquency proceedings and create procedures in conjunction with the establishment of a receiver during a delinquency proceeding. The bill provides that a FHLB is neither stayed nor prohibited from exercising its rights regarding collateral pledged to it by an insurer-member. If the FHLB exercises its rights to the collateral, the FHLB is obligated to repurchase any outstanding stock that exceeds the amount of bank stock the insurer-member is required to hold as a minimum investment. An FHLB must establish a time line to govern the handling of collateral within 10 days after a receiver's appointment. The time line will establish the release of certain collateral, redemption or repurchase of FHLB stock and payment of fees owed by insurers regarding FHLB accounts. The bill specifies that a receiver cannot void transfers or obligations to transfer any property associated with any FHLB security agreement. The bill allows an exception for when any transfer is made with intent to hinder, delay or defraud the insurer, the receiver or creditors (Section 375.971).

The bill specifies that the Secretary of State must maintain a database that includes information contained on each notary public's seal or any lost seal of a notary public. A manufacturer of a notary public seal is required to register with the Secretary of State and notify the Secretary of State when a seal is issued. The Secretary of State must approve any seal issued by the manufacturer within 10 days. A copy of the commission must be maintained by the manufacturer and if a manufacturer violates this provision, they are subject to a \$1,000 fine for each violation. The bill increases the penalty for acting as, or willfully impersonating a notary public while not lawfully appointed and commissioned to perform notarial acts from a misdemeanor to a class D felony.

Any notary public who loses or misplaces their journal of notarial acts or official seal must immediately provide written notice of the fact to the Secretary of State. For a lost or misplaced official seal, upon receipt of the written notice, the Secretary of State is required to

issue the notary a new commission number for the notary to order a new seal.

If a notary public's official seal is destroyed, broken, damaged, or otherwise rendered inoperable, the notary must immediately provide written notice of that fact to the Secretary of State.

If any notary public no longer desires to be a notary public, he or she must mail or deliver to the Secretary of State a letter of resignation and their notary seal, and their commission will cease to be in effect.

The bill modifies the penalty provision for willful impersonation of a notary from a misdemeanor to a class E felony when such act results in a fraudulent act involving property (Sections 486.245, 486.275, 486.285, 486.305, 486.310, and 486.375).

This bill is similar to HB 1721 (2016).

#### SB 947 -- TRANSPORTATION NETWORK INSURANCE

Beginning April 1, 2017, this bill outlines the insurance coverage requirements between a transportation network company (TNC) and a TNC driver who uses a personal vehicle to transport passengers for the TNC.

##### REQUIRED AUTOMOBILE INSURANCE COVERAGE (Section 379.1702, RSMo)

A TNC driver or the TNC company, on the driver's behalf, is required to maintain primary automobile insurance coverage as specified in the bill. The policy of insurance must recognize that the driver uses the vehicle to transport riders for compensation while logged onto the TNC's digital network.

##### NOTIFICATION (Sections 379.1704 and 379.1706)

The company is required to notify a TNC driver of the insurance coverage provided by the TNC and to also notify a driver that his or her own personal automobile insurance policy may not provide coverage because the driver uses a vehicle in connection with the service and that it may also violate the terms of his or her contract with a lienholder.

##### MISSOURI AUTOMOBILE INSURERS (Section 379.1708)

Automobile insurers in Missouri may exclude or limit any and all insurance coverage provided to owners or operators of personal vehicles while logged into a TNC's digital network for the purpose of transporting persons or property for compensation.

#### SCS SB 968 -- TUITION RATES FOR MILITARY MEMBERS

This bill modifies several provisions relating to tuition rates for members of the military.

The bill allows current members of the Missouri National Guard and members of a reserve component of the Armed Forces of the United States to receive in-state residency status for the purposes of tuition at any public four-year institution of higher education, or in-district residency status for any two-year public institution, as described in the bill.

The bill also modifies the Missouri Returning Heroes' Education Act. Currently, the tuition limitation authorized by the Missouri Returning Heroes' Education Act is applied after all other federal and state aid for which the veteran is eligible has been applied. This bill applies the tuition limitation before all other aid.

This bill also repeals a provision that limits the amount of aid a veteran shall receive to the actual cost of attendance.

The Wartime Veteran's Survivor Grant program sunsets in 2014. The bill reauthorizes the program, which provides higher education financial aid to the spouses and children of wartime veterans.

This provision shall sunset on August 28, 2020, unless reauthorized by the General Assembly.

This bill contains an emergency clause.

CCS HCS SCS SB 973 -- HEALTH CARE

REGULATION OF HOSPITALS (Sections 197.065 and 536.031, RSMo)

The bill requires the Department of Health and Senior Services to promulgate regulations for the construction and renovation of hospitals that include life safety code standards for hospitals that exclusively reflect the life safety code standards imposed by the federal Medicare program under federal laws and regulations. The bill prohibits the department from requiring a hospital to meet the standards contained in the Facility Guidelines Institute for the Design and Construction of Health Care Facilities but any hospital that complies with the 2010 or later version of such guidelines for the construction and renovation of hospitals must not be required to comply with any regulation that is inconsistent or conflicts in any way with such guidelines. The department is authorized to waive the enforcement of the standards imposed by these provisions if the department determines that compliance with those specific standards would result in unreasonable hardship for the facility and if the health and safety of hospital patients would not be compromised by the waiver or waivers.

Regulations promulgated by the department to establish and enforce hospital licensure regulations that conflict with the standards established under these provisions must lapse on and after January 1, 2018.

Hospital licensure regulations governing life safety code standards may incorporate by reference later additions or amendments to the rules, regulations, standards, or guidelines as needed to consistently apply current standards of safety and practice.

#### CERTIFICATE OF NEED (Section 197.315)

Currently, facilities operated by the state are not required to obtain a certificate of need, appropriation of funds to such facilities by the General Assembly are deemed in compliance with certificate of need provisions, and such facilities are deemed to have received an appropriate certificate of need without payment of any fee or charge. The bill requires hospitals operated by the state and licensed under Chapter 197, to obtain a certificate of need and comply with the other provisions of certificate of need except for Department of Mental Health state-operated psychiatric hospitals. Certain types of equipment can still be purchased without a certificate of need.

This provision of the bill has an emergency clause.

#### PHYSICAL THERAPY LICENSURE COMPACT (Sections 334.1200-334.1233)

The bill establishes this state as a member of a compact to facilitate the interstate practice of physical therapy. The primary purpose of the compact is to preserve the regulatory authority of states to protect public health and safety through the current system of state licensure. The compact will become effective after it has been approved by 10 member states.

The bill outlines specific requirements that a state must complete in order to participate in the compact and that a licensee must adhere to in order to exercise privileges thereunder.

In order to facilitate and coordinate implementation and administration of the compact, the bill establishes the Physical Therapy Compact Commission. The commission shall:

- (1) Promulgate uniform rules, having the force and effect of laws, to be binding in all member states;
- (2) Be comprised of one delegate from each of the member states, to be selected by the state's licensing board;
- (3) Conduct meetings that are open to the public, except under specific circumstances;
- (4) Pay the reasonable expenses of its establishment, organization and ongoing activities; and
- (5) Provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

Any member state may withdraw from the compact at any time by enacting a statute repealing the compact. Such withdrawal shall take effect six months after the enactment of the repealing statute. In addition to the voluntary removal of a member state, the commission may make a determination that a member state has defaulted in the performance of its obligations or responsibilities under the compact. If the state fails to cure the default, a majority of the member states may vote to remove the state from the compact.

#### MAINTENANCE MEDICATION (Section 338.202)

This bill requires a health carrier or managed care plan that provides prescription drug coverage in the state to offer medication synchronization services. A health carrier or managed care plan that provides prescription drug coverage shall not charge any amount in excess of the otherwise applicable co-payment for dispensing a prescription drug in a quantity that is less than the prescribed amount and shall provide a full dispensing fee to the pharmacy that dispenses the prescription drug so long as the terms of the medication synchronization services are met.

#### PRESCRIPTION EYE DROP REFILLS (Section 376.1237)

Extends the termination date on provisions relating to the refilling of prescription eye drops to January 1, 2020.

#### CCS HCS SS SCS SB 986 -- LAND CONVEYANCE

SPONSOR: Brown

This bill authorizes the Governor to convey certain state properties in Jackson, Phelps, Macon, Cole, and Buchanan counties.

The conveyance in Buchanan county contains an emergency clause.

#### SB 988 -- HEALTH CARE PROVIDERS

##### MUNICIPAL HOSPITALS (Section 96.192, RSMo)

This bill allows the board of trustees of any authorized municipal hospital to invest up to 25% of the hospital's funds not required for immediate disbursement in any U.S. investment grade fixed income funds or diversified stock funds, or both. The provisions of the bill must only apply if the hospital:

(1) Receives less than 1% of its annual revenue from municipal, county, or state taxes; and

(2) Receives less than 1% of its annual revenue from appropriated funds from the municipality in which such hospital is located.

#### AMBULANCE DISTRICTS (Section 190.060)

The bill allows ambulance districts to adopt procedures for conducting fingerprint background checks on current and prospective employees, contractors, and volunteers.

#### STROKE CENTER DESIGNATIONS (Section 190.241)

The bill provides for an alternative stroke center designation for a hospital. The Department of Health and Senior Services must designate a hospital, upon receipt of an application, as follows:

- (1) A level I stroke center if the hospital has been certified as a comprehensive stroke center by the Joint Commission or another certifying organization;
- (2) A level II stroke center if the hospital has been certified as primary stroke center by the Joint Commission or other certifying organization; or
- (3) A level III stroke center if the hospital has been certified as an acute stroke-ready hospital by the Joint Commission or other certifying organization.

The department must not require compliance with any additional standards for establishing or renewing stroke designations and the designation must continue as long as the hospital remains certified. The department may remove a hospital's designation if the hospital so requests or if the department determines the certification has been suspended or revoked.

Any hospital receiving this alternative designation must submit annual proof of certification and other contact information, as well as the certification survey results and other specified documents.

Hospitals designated as STEMI or stroke centers must submit data to the department for use in the evaluation and improvement of hospital and emergency medical services' trauma, stroke, and STEMI care. The hospitals must submit data to the department as described in the bill.

#### MEDICAL HELICOPTERS (Section 190.265)

Under the bill, any rules and regulations promulgated by the Department of Health and Senior Services, or any interpretation of such rules, must not require hospitals to have a fence or other barriers around a hospital helipad. Additionally, the department is prohibited from promulgating any rules and regulations with respect to the operation or construction of a helipad located at a hospital. The bill requires hospitals to ensure that helipads are free of obstruction and safe for use by a helicopter while on the ground, during approach, and takeoff.

This provision of the bill has an emergency clause.

#### CERTIFICATE OF NEED (Section 197.315)

Currently, facilities operated by the state are not required to obtain a certificate of need, appropriation of funds to such facilities by the General Assembly are deemed in compliance with certificate of need provisions, and such facilities are deemed to have received an appropriate certificate of need without payment of any fee or charge. The bill requires hospitals operated by the state and licensed under Chapter 197 to obtain a certificate of need and comply with the other provisions of certificate of need except for Department of Mental Health state-operated psychiatric hospitals. Certain types of equipment can still be purchased without a certificate of need.

This provision of the bill has an emergency clause.

#### COUNTY HOSPITAL INVESTMENTS (Section 205.165)

The bill allows the board of trustees of any county hospital to invest up to 15% of the hospital's funds not required for immediate disbursement in obligations or for the operations of the hospital into any mutual fund.

These provisions must only apply if the hospital is located in Boone County and receives less than 1% of its annual revenues from county or state taxes.

#### CCS HCS SB 994 -- ALCOHOL

Currently, the Missouri Wine and Grape Board may participate in studies in the areas of sales, promotions, and the effective distribution of Missouri wines in order to effectuate the goals of the board. This bill allows the board to oversee and provide any professional or legal services to promote such marketing goals.

The bill also provides that a person whose liquor license has been revoked will automatically be eligible for employment in an establishment holding a liquor license five years after the date of the revocation, and will be eligible to apply for a new liquor license issuable at the discretion of the Division of Alcohol and Tobacco Control.

The bill reduces the number of passengers necessary to apply for a boat liquor license under Section 311.091, RSMo, from 100 to 30 passengers. The same application process currently used for passenger boats with 100 or more persons will now apply to smaller passenger boats.

The bill expands the authorization for licensed liquor retailers to use table tap dispensing systems that allow patrons to self dispense up to 32 ounces of beer per patron to include self dispensing of up to 16 ounces of wine per patron, and removes references to table taps and instead refers to self-dispensing systems.

The bill authorizes certain licensed entertainment facilities including arenas and stadiums used for concerts, shows, and sporting events to sell and deliver alcohol purchased through a mobile application used on hand-



held mobile devices. The purchaser must show a valid government-issued identification document with a picture and date of birth to the person who delivers the alcoholic beverage to verify that the purchaser is 21 years of age or older.

#### CCS HCS SB 997 -- HIGHER EDUCATION

##### HIGHER EDUCATION ENTITY PARTICIPATION IN MISSOURI CONSOLIDATED HEALTH CARE PLAN (Sections 103.003 and 103.079, RSMo)

The bill allows a participating higher education entity to elect to participate in the Missouri Consolidated Health Care Plan, as stipulated.

##### PUBLIC SERVICE LOAN FORGIVENESS (Section 105.1445)

On or before April 1, 2017, the governing body of each public employer shall adopt a policy that provides up-to-date, accurate, and complete information to each new employee regarding eligibility within 10 days of the start of employment. Public employers shall provide current employees with the same information on or before June 20, 2017.

##### POSTSECONDARY COURSE OPTIONS (Section 167.223)

Currently, public high schools may, in cooperation with public community colleges and public or private four-year colleges and universities, offer postsecondary course options to high school students. This bill broadens community colleges to two-year colleges.

##### DEPARTMENT OF HIGHER ED WEBSITE (Section 170.035)

This bill requires the Department of Higher Education to develop, maintain, and operate a website containing information for public and private institutions of higher education in Missouri directing students to resources including, but not limited to, academic programs, financial aid, and how courses may be transferred from one institution of higher education to another. The information on the website must be made available to the public and must be accessible from various devices including, but not limited to, computers, tablets, and other electronic communication devices. Inclusion of institution information on the website is voluntary, and institutions of higher education may elect to have institutional information included on the website by notifying the department.

##### BOARD OF HIGHER EDUCATION WEBSITE (Section 173.005)

This bill will require the Coordinating Board for Higher Education to maintain and publish on its website a list of post-secondary educational institutions meeting requirements described within the bill.

This provision of the bill contains an emergency clause.

##### WARTIME VETERAN'S SURVIVOR GRANT (Section 173.234)

This bill also reauthorizes the Wartime Veteran's Survivor Grant program, which provides higher education financial aid to the spouses and children of wartime veterans. Children and spouses of injured veterans shall be covered by this program if they were children or spouses within five years subsequent to the injury.

This provision shall sunset on August 28, 2020, unless reauthorized by the General Assembly.

This provision of the bill contains an emergency clause.

#### DUAL CREDIT (Section 173.2500)

This bill establishes a process for certifying an institution of higher education as an approved dual credit provider. To become an approved dual credit provider, an institution of higher education shall annually submit a written application to the Coordinating Board of Higher Education, as described in the bill.

A dual credit course may not be advertised or represented as being delivered by an approved dual credit provider unless an application is approved by the Coordinating Board.

#### DUAL SCHOLARSHIP ACT (Section 173.2505)

This bill establishes the "Dual Credit Scholarship Act," which provides funds, subject to appropriation, for eligible students enrolled in dual credit courses. The scholarship shall reimburse students for up to 50% of the tuition cost paid by the student, with a total amount not to exceed \$500 annually. To be eligible, a student shall: Be a United States citizen or permanent resident, be a Missouri resident, be enrolled in an approved dual credit program, have a cumulative GPA of at least 2.5 on a 4.0 point scale, and meet one or more requirements based on economic need, as described in the bill.

The bill creates the "Dual Credit Scholarship Fund," which consists of moneys appropriated by the General Assembly and private donations made to the fund.

#### 15 TO FINISH ACT (Section 173.2510)

This bill establishes the "15 to Finish Act." The Coordinating Board, in cooperation with public institutions of higher education, shall develop policies that promote the on-time completion of degree programs by students. The policies shall include defining on-time completion, providing financial incentives for students on pace to graduate in no more than eight semesters, and reducing the number of credit hours required to earn a degree.

#### GUIDED PATHWAYS TO SUCCESS ACT (Section 173.2515)

This bill establishes the "Guided Pathways to Success Act." The Coordinating Board, in cooperation with public institutions of higher education, shall create a pilot program that will include at least two of the following: Majors organized into semester-by-semester sets of

courses that lead to on-time completion; degree-based transfer pathways between participating institutions; available meta-majors, as defined in the bill; student commitment to a structured schedule of courses; and clear degree maps, proactive advising, as defined in the bill; and guarantees that required courses are available when needed by students.

#### CONCURRENT ENROLLMENT PILOT PROGRAM (Section 173.2520)

The Coordinating Board shall establish a concurrent enrollment pilot program, in which students are enrolled in courses at both a four-year and two-year participating institution at the same time and for which the coursework is officially recorded by both institutions. The purpose of the pilot program is to provide a broader range of academic and student support services while streamlining the path to degree completion.

#### HIGHER EDUCATION CORE CURRICULUM (Sections 178.780, 178.785, 178.786, 178.787, 178.788, and 178.789)

This bill establishes a standard core curriculum and a common course numbering equivalency matrix for lower division courses at community colleges and public four-year institutions of higher learning. The Coordinating Board of Higher Education will work in conjunction with an advisory committee, composed of representatives from community colleges and public four-year institutions, to develop a recommended core curriculum.

The core curriculum must be comprised of at least 42 semester credit hours and will cover the basic competencies to be met, including communicating, higher-order thinking, managing information, valuing, including the knowledge of areas of social and behavioral sciences, humanities and fine arts, mathematics, and life and physical sciences. All undergraduate students of the above institutions must complete the core curriculum as a requirement of graduation.

Each community college and public four-year institution must adopt a core curriculum of no less than 42 credit hours. Such curriculum must include specific courses and be based on the core curriculum recommended by the Coordinating Board of Higher Education.

The coordinating board must also approve a common course numbering equivalency matrix for lower-division courses at all institutions of higher learning in the state. Community colleges and four-year institutions must include in their course listings the corresponding numbers from the common course numbering equivalency matrix.

Students will be able to transfer credits earned under the core curriculum, as described within the bill. The coordinating board must also develop criteria to evaluate the transfer practices each public institution of higher learning in the state and subsequently evaluate each institution. Institutions of higher education must publish in its course catalogs and on its website the evaluation policies of the coordinating board. Students enrolled in professional programs must complete the appropriate core curriculum that is required for the corresponding accreditation or licensure.

#### EMPLOYEES OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION (Section 1)

If the spouse of a full time employee of a public institution of higher learning incurs out of state travel costs that are paid for or reimbursed by such institution, the employee must file a quarterly travel report with the Missouri Ethics Commission listing certain information, as described within the bill.

In addition to the quarterly reports, any spouse of a full-time employee of such institution must file reports if the spouse has such travel as described above during the one year period immediately before the effective date of this section, as described within the bill.

#### SB 1002 -- COMMUNITY IMPROVEMENT DISTRICT AUDIT

This bill allows the office of the State Auditor to conduct audits of community improvement districts in a manner similar to state agency audits. Costs of the audit are paid for by the Auditor's Office and not the community improvement district.

#### SCS SB 1009 -- TROOPER JAMES M. BAVA MEMORIAL HIGHWAY

This bill designates the portion of State Highway FF in Audrain County beginning at Elmwood Drive in the City of Mexico and extending west to County Road 977 as the "Trooper James M. Bava Memorial Highway."

#### SB 1025 -- SALES TAX ON INSTRUCTIONAL CLASSES

Currently, there is a state and local sales and use tax on the sales of admission tickets, and fees to or in places of amusement, entertainment, recreation, games, and athletic events. This bill authorizes an exemption from the tax for the amount paid for instructional classes and defines instructional class to include any class, lesson, or instruction intended or used for teaching.